

1 E. Carter

2 what do you mean?

3 A. There's usually anywhere from --
4 could be from zero to 100 questions you fill
5 out and answer, and then as you go through
6 the polygraph, the questions come up, and
7 then at the end, they ask you about the
8 pre-polygraph questionnaires.

9 Q. So to your knowledge, the
10 pre-polygraph part of the test is a series
11 of questions that you have to write out
12 answers to?

13 A. Yes.

14 Q. Okay. And you believe that one
15 of the questions would be why were you fired
16 from Ocean Beach?

17 A. Yes.

18 Q. Why couldn't you have said "I was
19 fired for no legitimate reason"?

20 MR. GOODSTADT: Objection.

21 A. I don't think any employer would
22 have -- I could have said that, but I don't
23 think any employer would have accepted that.

24 Q. Why not?

25 A. I know if I was a supervisor, I

1 E. Carter

2 wouldn't.

3 Q. Why not?

4 A. I'd want to know why you were let
5 go.

6 Q. And you don't think by saying
7 that the reasons that they gave me were not
8 truthful wouldn't have been sufficient?

9 A. No.

10 MR. GOODSTADT: Objection.

11 Q. Okay. So if I understand your
12 testimony correctly, you believed that had
13 you written on the pre-polygraph part of the
14 questionnaire that there was no legitimate
15 reason for you being fired, that that was
16 not -- that would not be accepted by your
17 employer, your potential employer?

18 A. Correct.

19 Q. And that is why you didn't pursue
20 jobs that required polygraphs?

21 MR. GOODSTADT: Objection.

22 Q. Is that your testimony?

23 A. It's why I didn't pursue the job
24 at the county park police or yes, the
25 security job, yes.

1 E. Carter

2 Q. Okay. How about after you filed
3 the complaint, sir, this was a -- as you
4 agree with me, you understand, this was a
5 public record now, right?

6 A. Yes. You explained to me. Yes.

7 Q. And it sets forth a lot of detail
8 as to the events surrounding April 2, 2006,
9 correct?

10 A. Yes.

11 Q. And in this complaint, you advise
12 whoever's reading it that you don't believe
13 that there was any legitimate reason for you
14 to be -- for you being fired on April 2,
15 right?

16 A. Correct.

17 Q. And, in fact, you go as far as to
18 say your United States Constitutional rights
19 have been violated, right?

20 A. Yes.

21 Q. Why was it that after the date of
22 the filing of this complaint, which was
23 March 21, 2007, you still believed that you
24 couldn't take a polygraph test for a law
25 enforcement related job?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 A. I didn't want it as part of my
4 official record if I did fail because of
5 this incident, and it would follow through
6 with me possibly with my township, with the
7 town.

8 Q. But the town knew you had -- the
9 town knew that you had issues with Ocean
10 Beach by virtue of the blog, according to
11 your testimony, right?

12 A. Yes.

13 Q. The town, if they had read
14 Newsday or watched News 12, would have known
15 that you had sued Ocean Beach, right?

16 A. Yes.

17 Q. And had they wanted to find out
18 about the complaint, they could have gone
19 online and looked at the complaint, right?

20 A. As you stated to me, yes.

21 Q. So what was your concern about
22 the town finding out about you suing Ocean
23 Beach?

24 MR. GOODSTADT: Objection.

25 Q. After you filed the complaint?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 That's not what he testified to.

4 Q. Did you have a concern at all,
5 after you filed the complaint, as to your
6 supervisors at the town finding out that you
7 filed a complaint against Ocean Beach?

8 A. I filed a complaint? No.

9 Q. You didn't have a concern?

10 A. No. The content of the
11 complaint, yes, I would say I did.

12 Q. You had -- so you did have a
13 concern after you filed the complaint that
14 your supervisors at the town would look
15 adversely on you given the contents of the
16 complaint, is that your testimony?

17 A. It could have happened, yes.

18 Q. What was your concern in that
19 regard?

20 A. The fact that I was going to wear
21 a wire, it said I was going to wear a wire
22 was a big concern because it was totally
23 false. And that was the biggest thing. And
24 the defamation. The -- you know, basically
25 I work -- just so you know, I work in a law

1 E. Carter

2 enforcement department, so the blue wall of
3 silence is still, you know, within my
4 department, too. The park rangers are a law
5 enforcement division.

6 Q. Oh, so in addition to your Ocean
7 Beach having a blue wall of silence, you now
8 say the Town of Islip's law enforcement
9 agencies have a blue wall of silence?

10 MR. GOODSTADT: Objection.

11 A. I did not state that.

12 Q. No?

13 A. No.

14 Q. When you said that where you work
15 has a blue wall of silence, what are you
16 referring to?

17 A. I work with uniformed officers is
18 what I was saying.

19 Q. So is it your testimony today
20 that those uniform officers engage in what
21 you refer to as a "blue wall of silence"?

22 MR. GOODSTADT: Objection.

23 A. No.

24 Q. No?

25 A. No.

1 E. Carter

2 Q. Then -- just scroll up. Well,
3 when you say that "I work, you know, I work
4 in the law enforcement, so the blue wall of
5 silence is still, you know, within my
6 department," what department are you
7 referring to?

8 A. I was referring to -- I work in a
9 uniform, you know, I work in a police -- I
10 work in a law enforcement division, and the
11 wire part would, you know, totally destroy
12 me, and it got out even quicker than I
13 thought it would.

14 Q. No. You just made reference in
15 your answer, sir, to that your department
16 still engages in the blue wall of silence.

17 MR. GOODSTADT: Objection.

18 Q. So I'm referring -- I'm asking
19 you what department are you referring to?

20 A. I work for the Town of Islip,
21 sir.

22 Q. But when you answered the
23 question and you said "my department," what
24 department are you referring to?

25 A. The only department I work for is

1 E. Carter

2 the Town of Islip.

3 Q. Okay. So if I understand your
4 testimony correctly, you're accusing the
5 uniformed officers of the Town of Islip in
6 engaging in the blue wall of silence?

7 MR. GOODSTADT: Objection.

8 Don't even answer the question.

9 Q. Is that your testimony, sir?

10 DI MR. GOODSTADT: Objection.

11 Instructing the witness not to answer
12 the question.

13 MR. NOVIKOFF: I'm just trying
14 to clarify his answer.

15 MR. GOODSTADT: You're being
16 harassing, because you're now saying
17 that he's accusing his current employer
18 of something. There's been no
19 accusation. The testimony speaks for
20 itself. He testified to it five times
21 now.

22 MR. NOVIKOFF: I don't think
23 so.

24 MR. GOODSTADT: It's now
25 becoming harassing. It is.

1 E. Carter

2 MR. NOVIKOFF: I don't think
3 so. I'll take away the word
4 "confusing," sir.

5 Q. Is it your belief that the
6 uniformed officers within your department
7 engage in what you refer to as the blue wall
8 of silence?

9 MR. GOODSTADT: Objection.

10 A. No.

11 Q. Then who within your department,
12 as you testified to, engages in the blue
13 wall of silence?

14 MR. GOODSTADT: Objection.

15 A. There was -- just so you know, in
16 my department there was a corruption probe
17 prior and officers were arrested and
18 supervisors by the District Attorney's
19 office.

20 Q. So that was the blue wall of
21 silence you were referring to?

22 A. Yes.

23 MR. GOODSTADT: Objection.

24 Q. So there's no further blue wall
25 of silence in the Town of Islip, to your

1 E. Carter

2 knowledge?

3 A. No.

4 Q. Okay. Now you make reference in
5 paragraph 109 to you could not obtain
6 references from the Ocean Beach Police
7 Department, do you see that?

8 A. Yes.

9 Q. Subsequent to April 2, 2006, who
10 did you ask a reference from concerning --
11 who worked for the Ocean Beach Police
12 Department?

13 A. Chief Paridiso had given me one
14 for my promotion with the Town of Islip back
15 in approximately 1998.

16 Q. My question, sir, was subsequent
17 to April 2, 2006, who at the Ocean Beach
18 Police Department did you ask for a
19 reference from?

20 A. I believe George Hesse's letter
21 would have helped me, you know, with the
22 reason I was let go. That would have been
23 the letter.

24 Q. So when you say "obtain a
25 reference," you're referring to a letter

1 E. Carter

2 indicating why you were let go?

3 A. Yes.

4 Q. So then I don't understand. You
5 say because you could not obtain references
6 from the OBPD or provide a clear explanation
7 for his termination. The Hesse letter
8 you're referring to would provide that clear
9 explanation, correct? At least that's what
10 you were hoping for, right?

11 A. Yes.

12 Q. So now I don't understand then.
13 What did you mean by "reference"?

14 A. Well, when the county park police
15 or whoever would call over to the beach for
16 reference, you know, as far as my job work.

17 Q. Your job performance?

18 A. Yes.

19 Q. Right. Did you ever ask Chief
20 Paridiso to provide you with a reference?

21 A. Yes.

22 Q. After April 2, 2006?

23 A. No.

24 Q. Why not?

25 A. At that time, George Hesse was

1 E. Carter

2 the chief of Ocean Beach.

3 Q. But Mr. Paridiso would have been
4 aware of how -- of what you did while you
5 were employed by Ocean Beach, correct?

6 A. I wouldn't have been able to get
7 it on official letterhead.

8 Q. No? You don't think so?

9 A. No.

10 Q. Did you ask -- did you ever ask
11 Paridiso to send a letter of reference to
12 any employer?

13 A. Prior, yes.

14 Q. No. No. After April 2, 2006?

15 A. No.

16 Q. Why not?

17 MR. GOODSTADT: Objection.

18 A. Because at that point, Ed was out
19 on a disability and George Hesse was the
20 chief law enforcement officer at the Ocean
21 Beach Police Department.

22 Q. But you didn't even try. What
23 would have hurt by trying?

24 MR. GOODSTADT: Objection.

25 A. For a follow-up phone call, if

1 E. Carter

2 there needed to be one, they wouldn't be
3 able to get obviously Eddie at the Ocean
4 Beach Police Department.

5 Q. How do you know that?

6 A. Because he wasn't working at that
7 time.

8 Q. But how do you know that they
9 couldn't have gotten hold of Chief Paridiso
10 and said, "you know, Mr. Carter needs a
11 letter of reference and he would like one
12 from you," how do you know that they
13 couldn't get a hold of Chief Paridiso?

14 MR. GOODSTADT: Objection.

15 That's not what he testified to.

16 A. That's not what I testified to.

17 Q. Okay. What makes you believe --
18 well, you don't know that -- well, do you
19 have any knowledge that Chief Paridiso
20 wasn't an employee of Ocean Beach at that
21 time subsequent to April 2, 2006 and before
22 you filed the Notice of Claim?

23 A. I know he was out on workmen's
24 comp and I hadn't seen him there from I
25 guess November of -- November of '06, '05.

1 E. Carter

2 Q. Did you ever call Chief Paridiso
3 and say, "chief, is there any way you can
4 send me a letter of reference"?

5 A. No, I didn't.

6 Q. Did you ever send him an email?

7 A. Asking that, no.

8 Q. So you did nothing with regard to
9 Chief Paridiso in terms of getting a letter
10 of reference after April 2, 2006, right?

11 A. Yes.

12 Q. And the only -- and the reason
13 you didn't is because you speculate that
14 Chief Paridiso couldn't do that for you,
15 correct?

16 MR. GOODSTADT: Objection.

17 A. Yes. I didn't want to put him in
18 an awkward situation.

19 Q. Oh, now you didn't want to put
20 him in an awkward situation. Well, why did
21 you -- did you ask him if he would be put in
22 an awkward situation?

23 MR. GOODSTADT: Objection.

24 A. No.

25 Q. Are you aware as to whether or

1 E. Carter

2 not Mr. Nofi received a letter of
3 recommendation from Chief Paridiso after
4 April 2, 2006?

5 A. No.

6 Q. Did you ever inquire with
7 Mr. Nofi as to whether or not he sought out
8 Mr. Paridiso to get a letter of reference?

9 A. No.

10 Q. Okay. Did you inquire with the
11 other Plaintiffs as to whether or not they
12 got letters of reference from Chief Paridiso
13 after April 2, 2006?

14 A. No.

15 Q. Let's look at number 110, "upon
16 information and belief, Hesse circulates
17 false and malicious negative references
18 concerning Plaintiffs among officials
19 working for the Town of Islip," do you see
20 that?

21 A. Yes.

22 Q. You say "officials," do you agree
23 with me that when you use the word
24 "officials," you're suggesting more than one
25 person?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 With respect to him or generally in
4 this complaint?

5 MR. NOVIKOFF: With respect to
6 what is set forth in paragraph 110.

7 A. 110's the Plaintiffs among
8 officials. So in my case, it was one
9 person, Greg DeCanio.

10 Q. Okay. That was the only person?

11 A. That I'm aware of at this time.

12 Q. That you're aware of. Okay.

13 Let's go to 113. It's alleged that "as a
14 result of false, damaging and baseless
15 allegations that have been inserted in
16 Plaintiffs' civil service records," do you
17 see that?

18 A. Yes.

19 Q. Have you ever -- have you looked
20 at your civil service records subsequent to
21 April 2, 2006?

22 A. It's my belief my personnel
23 jacket, yes.

24 Q. Have you looked at your personnel
25 jacket at civil service subsequent to April

1 E. Carter

2 2, 2006?

3 A. No.

4 Q. Have you asked anyone to look at
5 your civil service jacket subsequent to
6 April 2, 2006?

7 A. My belief is --

8 Q. Have you asked anyone --

9 A. No.

10 Q. -- to look into your civil
11 service jacket subsequent to April 2, 2006?

12 A. No.

13 Q. To your knowledge, has your
14 lawyer asked the Suffolk County Civil
15 Service Department to produce your civil
16 service jacket in this lawsuit?

17 MR. GOODSTADT: I'll stipulate
18 that that request has been made.

19 MR. NOVIKOFF: Let's go off the
20 record for one second.

21 THE VIDEOGRAPHER: The time is
22 2:59 p.m. we're off the record.

23 (A discussion was held off the
24 record.)

25 THE VIDEOGRAPHER: The time is

1 E. Carter

2 2:59 p.m. Back on the record.

3 Q. When reference is made in
4 paragraph 113 to "Plaintiffs' civil service
5 records," what are you referring to?

6 MR. GOODSTADT: Objection.

7 A. My town personnel jacket which
8 includes my civil service records.

9 Q. Okay.

10 A. To the best of my knowledge.

11 Q. Have you looked at your Town of
12 Islip civil service jacket subsequent to
13 April 2, 2006?

14 A. "Subsequent" being after?

15 Q. After.

16 A. No.

17 Q. Have you asked anyone to look at
18 your Town of Islip civil service jacket
19 after April 2, 2006?

20 A. No.

21 Q. To your knowledge, has your
22 attorney subpoenaed your Town of Islip civil
23 service jacket in this lawsuit?

24 A. I can't answer that at this time.
25 I don't know.

1 E. Carter

2 Q. Okay. If you don't know, you
3 don't know. That's a legitimate answer to
4 this question. What document are you
5 referring to that has been put in your Town
6 of Islip civil service record that you claim
7 to be false, damaging and baseless?

8 A. The stuff -- the interview with
9 Greg DeCanio, and I'm sure there's -- and
10 it's my belief there's going to be something
11 in there that he had a conversation with
12 George Hesse.

13 Q. You're sure. It's your belief.
14 Do you know, sir?

15 A. No, sir.

16 Q. Did you ever ask DeCantio if he
17 wrote up something?

18 A. He told me he had to put a whole
19 package together and forward it to the
20 commissioner.

21 Q. Did you ever ask DeCantio if he
22 put in anything in your civil service jacket
23 pertaining to Hesse's communication with
24 him?

25 A. No.

1 E. Carter

2 Q. And in the over two-year period
3 of time since Hesse's communication, it's
4 your testimony that you never once asked to
5 look into your civil service jacket at the
6 Town of Islip to confirm the truthfulness of
7 this allegation?

8 A. Yes.

9 Q. So when you authorized your
10 attorney to write and file this allegation
11 that I just read, you did not know at that
12 time whether that was truthful or not
13 because you hadn't looked at your file?

14 MR. GOODSTADT: Objection.

15 Q. Isn't that true?

16 A. Yes.

17 Q. Let's look at paragraph 114. Has
18 any member of your family been confronted or
19 castigated by strangers concerning anything
20 involving your employment at Ocean Beach
21 subsequent to April 2, 2006?

22 A. My family, no.

23 Q. Have you been castigated by
24 strangers?

25 A. Yes.

1 E. Carter

2 Q. Who has castigated you?

3 A. I have been -- I was at a
4 retirement party for my uncle, and one of
5 the people there, a guy named Chris, came up
6 to me and said, "Hey, I see you're one of
7 those rats from Ocean Beach." I just looked
8 at the guy. I didn't know what to say to
9 him. Also --

10 Q. When did this guy Chris say this
11 to you?

12 A. That would have been November of
13 '06.

14 Q. Okay.

15 A. Another time would be I was on a
16 call with the Suffolk County Police for an
17 illegal house in Bay Shore, and when I
18 pulled up, got out of the car, a couple
19 officers were talking, and one of them
20 looked and said, "Is that one of those rats
21 from Ocean Beach?" And I just looked at the
22 guy and I walked away. I went over to the
23 officer -- one of the officers I had known,
24 and he went over. He said, "Listen, I'll go
25 talk to him and tell him, you know, to shut

1 E. Carter

2 up and mind his business."

3 Q. Did you ever find out what
4 information those officers looked at in
5 order to say that you were one of those rats
6 from Ocean Beach?

7 A. They had worked the summers --
8 one of them worked the summer over at Ocean
9 Beach on a quad part time, seasonal.

10 MO Q. Did you ever -- motion to strike.
11 Did you ever ask the officers where they
12 were getting their opinions from that you
13 were one of those rats from Ocean Beach?

14 A. No.

15 Q. Did you ever ask this guy Chris
16 at your uncle's retirement party what he was
17 basing his opinion on that you were one of
18 those rats from Ocean Beach?

19 A. No.

20 Q. You have no idea as you sit here
21 today as to what source of information, if
22 any, these officers looked at in order to
23 render an opinion that you were a rat from
24 Ocean Beach, right?

25 A. Yes.

1 E. Carter

2 Q. For all you know, they could have
3 read the complaint and drawn their own
4 conclusion, right?

5 MR. GOODSTADT: Objection.

6 A. Yes.

7 Q. For all you know, they could have
8 read the newspaper article in Newsday and
9 drawn their own conclusion, right?

10 MR. GOODSTADT: Objection.

11 A. Yes.

12 Q. For all you know, they could have
13 watched News 12 that night and drawn their
14 own conclusion, right?

15 MR. GOODSTADT: Objection.

16 A. Yes.

17 Q. For all you know, they could have
18 talked to a host of people other than
19 Mr. Hesse and drawn that conclusion,
20 correct?

21 MR. GOODSTADT: Objection.

22 A. Yes.

23 Q. Same thing with this guy Chris,
24 you don't know what source of information he
25 looked at, if any, to determine -- to render

1 E. Carter

2 an opinion that you were a rat, right?

3 A. Yes.

4 Q. He could have looked at that
5 Newsday article and drawn his own opinion?

6 MR. GOODSTADT: Objection.

7 Q. Right?

8 A. Yes.

9 Q. Could have read the complaint and
10 drawn his own opinion, right?

11 A. Yes.

12 Q. He could have looked at -- he
13 could have watched News 12 that night and
14 drawn his own opinion, right?

15 MR. GOODSTADT: Objection.

16 A. Yes.

17 Q. He could have talked to a host of
18 people other than George Hesse and drawn his
19 own opinion, right?

20 MR. GOODSTADT: Objection.

21 A. Yes.

22 MR. NOVIKOFF: Let's mark the
23 following document as Carter-8.

24 (Email dated 3/23/07 was marked
25 as Carter Exhibit-8 for

1 E. Carter

2 identification; 9/16/08, E.L.)

3 Q. Do you recognize this document
4 that's been identified as Carter-8, sir?

5 A. No.

6 Q. No? You are wingking28@aol.com?

7 A. Yes.

8 Q. Do you know who KT215@aol.com is?

9 A. I'm not 100 percent sure, but I
10 believe it's Kevin Lamm.

11 Q. Do you know who
12 regulus816@earthlink.net is?

13 A. Not 100 percent sure again. I
14 believe that's Tom Snyder.

15 Q. And do you know who
16 frankfiorillo@optonline.net is?

17 A. Yes.

18 Q. And who is that?

19 A. Frank Fiorillo.

20 Q. Okay. And does looking at the
21 subject of this email prod your recollection
22 as to what this -- as to whether or not
23 you've ever seen this email before?

24 A. No.

25 MR. NOVIKOFF: Okay. Let's

1 E. Carter

2 mark the next document as Carter-9.

3 (Email dated 3/30/2007 was marked as
4 Carter Exhibit-9 for identification;
5 9/16/08, E.L.)

6 Q. I'm going to show you what's been
7 identified as Carter-9. Prior to today,
8 have you seen this document before?

9 A. Without -- it says something
10 about a picture, an editorial. Without the
11 full thing, I can't say yes or no. I mean,
12 my email's on there.

13 Q. That's all I'm asking you. Do
14 you recall seeing this prior to today?

15 A. Yes. In my email, yes.

16 Q. Do you recall seeing --
17 notwithstanding the fact that your email
18 appears on this -- on this document, do you
19 recall receiving this email on or about
20 March 30, 2007?

21 A. I don't recall.

22 Q. Okay. Do you know who
23 watercop319@yahoo.com is?

24 A. Not, again, 100 percent sure. It
25 might be Joe Nofi.

1 E. Carter

2 Q. Okay. Do you recall the subject
3 matter of the attachment?

4 A. That's what I'm explaining to
5 you. I don't know.

6 MR. NOVIKOFF: Okay. The tape
7 is almost over. Let's stop the tape
8 and take a couple minutes' break and
9 get back to it.

10 THE VIDEOGRAPHER: This ends
11 tape number four. The time is 3:09
12 p.m. Going off the record.

13 (A break was taken.)

14 THE VIDEOGRAPHER: This begins
15 tape number five. The time is 3:22
16 p.m. Back on the record.

17 MR. NOVIKOFF: Sir, we're
18 going to mark the next set of documents
19 as Carter-10, and I record them to be
20 000284 through 382 -- I'm sorry, 383.
21 But, frankly, I've not looked at every
22 single page to make sure that they are
23 consecutively numbered.

24 (Document Bates stamped 000284
25 through 000383 was marked as Carter

1 E. Carter

2 Exhibit-10 for identification;

3 9/16/08, E.L.)

4 A. Am I allowed to open them or --

5 Q. Well, you don't need to look at
6 it yet. Let's look at the first page which
7 is 284. Do you -- do you know what this
8 document is?

9 A. It's a copy of my time sheet for
10 Ocean Beach Police Department.

11 Q. Okay. Let's just go through it.
12 284, do you see employee's signature?

13 A. Yes.

14 Q. Is that your signature?

15 A. Yes.

16 Q. Let's look at 287. Is that your
17 signature?

18 A. Yes.

19 Q. Would you agree with me that the
20 signature on 287 appears to be different
21 than the signature on 284?

22 A. Yes.

23 Q. Okay. Do you have different sets
24 of signatures?

25 A. 284 is PO Carter 416, 287 is

1 E. Carter

2 Edward J. Carter.

3 Q. Okay. How about 291, is that
4 your signature?

5 A. 291, no, that's not my signature.

6 Q. Well, next to the word
7 "employee's signature," that's not your
8 signature?

9 A. No.

10 Q. What's the purpose of this
11 document, sir, to the extent you know?

12 A. This is when the printer was
13 down. George Hesse was doing the payroll.
14 George Hesse filled this out for me.

15 Q. George Hesse filled this out for
16 you, is that your testimony?

17 A. To the best of my knowledge, yes.

18 Q. And you're saying what was down?

19 A. The printer in the station. We
20 had problems printing out payroll sheets
21 from time to time, and either Sergeant Hesse
22 or George Hesse or Ed Paridiso would do it
23 for us.

24 Q. Okay. Other than George Hesse,
25 Ed Paridiso, anybody else do it for you?

1 E. Carter

2 A. No. Not that I'm aware of.

3 Q. Anyone else ever sign on your
4 behalf, to your knowledge?

5 A. Not that I know of. No. You can
6 tell I didn't even date it, so I know it's
7 not me.

8 Q. Let's go to your complaint, sir,
9 Exhibit-1. It's in front of you now. First
10 page under "preliminary statement" you write
11 "Plaintiffs are five" -- well, it's alleged
12 that "Plaintiffs are five police officers
13 who had the courage to overcome the blue
14 wall of silence and fulfill their duty to
15 protect the public by speaking out in
16 opposition to the regime of endemic
17 corruption within the Ocean Beach Police
18 Department." Do you see that?

19 A. Yes.

20 Q. Did you speak out before or after
21 you were terminated, according to your
22 allegations?

23 A. Spoke out. Spoke to George
24 about --

25 Q. No. No. Did you speak out as

1 E. Carter

2 it's used in this paragraph, in the sentence
3 that I've read, prior to April 2, 2006 or
4 after April 2, 2006?

5 A. It's my belief both.

6 Q. Okay. After April 2, 2006, how
7 did you speak out?

8 A. By the filing of this complaint.

9 Q. And prior to April 2, 2006, to
10 whom did you speak out?

11 A. George Hesse.

12 Q. Anybody else?

13 A. No. George Hesse.

14 Q. Ever send a letter to Newsday
15 concerning any of the issues that are raised
16 in this complaint?

17 A. No.

18 Q. Ever send a letter to any media
19 outlet concerning any of the issues raised
20 in this complaint?

21 A. No.

22 Q. You spoke before, before the last
23 break about a corruption probe in the Town
24 of Islip?

25 A. Yes.

1 E. Carter

2 Q. Were you part of that probe?

3 A. No.

4 Q. Were you involved at all in that
5 probe?

6 A. No.

7 Q. Did you speak to any law
8 enforcement official investigating the
9 alleged claims of corruption as part of that
10 probe?

11 A. No.

12 Q. How many times have you spoke to
13 the DA after you've been -- the Suffolk
14 County DA after April 2, 2006?

15 A. I couldn't give you an exact
16 number. I'm going to say approximately six
17 times to a dozen.

18 Q. Concerning what?

19 A. Concerning the case they were
20 investigating.

21 Q. Which was?

22 A. Partly the Gilbert incident with
23 the beating.

24 Q. Okay.

25 A. I also called them -- I called

1 E. Carter

2 them within the week after I was let go to
3 find out what was going on with this me of
4 wearing a wire. Where it came from. If it
5 came from them or what was going on with
6 that, and when I called, I let them know,
7 you know, I was fired, what's this I was
8 going to wear a wire. And they said, "Why
9 don't you come down, stop down." And I went
10 to their office.

11 Q. And what did -- did they answer
12 your question?

13 A. They said they had nothing to do
14 with it.

15 Q. So they asked you to come down to
16 their office to tell you that they had
17 nothing to do with it?

18 MR. GOODSTADT: Objection.

19 Q. Is that your testimony?

20 A. No.

21 MR. GOODSTADT: Objection.

22 Q. So let me understand this. You
23 say you were fired on April 2, 2006, right?

24 A. Yes.

25 Q. Within a week of that date, you

1 E. Carter

2 contact the Suffolk County DA and ask them
3 did they have anything to do with these
4 comments about you wearing a wire, right?

5 A. Partly, yes. I had a concern
6 about that.

7 Q. That was part of your
8 conversation with them?

9 A. Yes.

10 Q. And who did you speak to?

11 A. I spoke to a Detective Amato.

12 Q. And this detective told you to
13 come on down to his office to talk about it?

14 A. Well, there was more to the
15 conversation.

16 Q. Okay.

17 A. I told him with that, I felt that
18 something really did happen with the Gilbert
19 incident for them to say that about me.
20 When he said --

21 Q. Something really happened with
22 the Gilbert -- what do you mean by that?

23 A. Well, the beach was taking a
24 stance, the individuals that were working
25 that night that nothing happened with the

1 E. Carter

2 Gilbert incident. That he wasn't beat up or
3 anything. And I said for them -- you know,
4 my concern and my belief was something did
5 happen for them to say I was going to wear a
6 wire and have them admit that they were
7 doing wrong, the corruption.

8 Q. So you told this detective at the
9 Suffolk County DA that because someone made
10 a comment about you wearing a wire, that
11 means something happened with the Gilbert
12 incident?

13 MR. GOODSTADT: Objection.

14 A. I felt it had partly connection
15 with the Gilbert incident, my firing might
16 have had something to do with that also.

17 Q. And you told that to the DA?

18 A. Yes.

19 Q. Why do you think the DA cared
20 whether you were fired or not?

21 A. I don't think they really cared
22 if I was fired or not.

23 Q. Right. Did you ask the DA to
24 investigate your alleged termination?

25 A. No.

1 E. Carter

2 Q. So you went down to the Suffolk
3 County DA and you had a conversation with
4 this detective?

5 A. I had a conversation with
6 approximately -- there were approximately
7 six detectives in the room and a prosecutor.

8 Q. Concerning what?

9 A. Ocean Beach.

10 Q. What about Ocean Beach?

11 A. They asked -- they went through
12 if I was working that night and if I knew
13 anything about that night, the incident on
14 the 28th of August.

15 Q. Did you ever tell -- did you
16 tell the DA or the detectives at this time
17 any of the -- any of the allegations that
18 you raised in the complaint, other than the
19 Halloween incident?

20 MR. GOODSTADT: Objection.

21 He's testified he told them about the
22 wire incident.

23 Q. Okay. Did you make allegations
24 about Mr. Hesse having sexual escapades
25 while on duty, did you advise the DA during

1 E. Carter

2 this conversation of that claim?

3 A. Yes.

4 Q. Did you advise the DA of that --
5 of Mr. Hesse's alleged involvement with
6 known drug dealers --

7 A. Yes.

8 Q. -- during this conversation?

9 A. Yes.

10 Q. Had you advised them of that
11 before this, before your termination?

12 A. No.

13 Q. Had you advised the DA before
14 your alleged termination of Mr. Hesse's
15 alleged sexual escapades?

16 A. No. They were none of my
17 business.

18 Q. But they were your business after
19 you were fired?

20 A. They asked me to make notes of
21 anything and anything with the on goings of
22 the beach.

23 Q. They asked you to make notes.
24 When did they ask you to make notes?

25 A. That was April of '06.

1 E. Carter

2 Q. And why did they ask you to make
3 notes?

4 A. I said apparently -- I told them,
5 I said, "Apparently I know something that
6 they had to get rid of me and I don't know
7 what it is," and they said, "Well, write
8 down whatever you know."

9 Q. You knew something -- you believe
10 that you knew something that caused them to
11 get rid of you?

12 A. Yes.

13 Q. But you weren't a witness to the
14 Gilbert incident, were you?

15 A. No. But, again, I was
16 misidentified, and in a way, I was used as a
17 scapegoat for it.

18 Q. Well, didn't -- I guess the DA in
19 that April 2006 conversation was asking you
20 to become a snitch?

21 MR. GOODSTADT: Objection.

22 Q. Is that what they were asking you
23 to do?

24 A. No.

25 Q. No. Okay. Let's stay on the DA

1 E. Carter

2 for a while. When was the first time you
3 had -- you had any communication with the
4 Suffolk County District Attorney concerning
5 anything to do with Ocean Beach?

6 A. That was the fall of 2005 after
7 the Gilbert incident.

8 Q. Okay. And who approached you?

9 A. Detective Amato and Iacopelli.

10 Q. And what did they want from you?

11 A. They wanted to know if I was
12 working that night, which I wasn't, and I
13 showed them on the schedule I wasn't, and if
14 I knew who was working that night, and if
15 anybody at the beach was, you know, rough
16 with their hands or whatever.

17 Q. During the Gilbert incident or
18 any other time?

19 A. Any other time. The Gilbert
20 incident and any other time.

21 Q. Okay. And did you advise them
22 who in your belief was rough with their
23 hands at any other time, besides Gilbert
24 incident?

25 A. Yes.

1 E. Carter

2 Q. You told them that?

3 A. Yes.

4 Q. And who did you say?

5 A. Bob Galoppi.

6 Q. Is that all?

7 A. Yes.

8 Q. And did you witness Rob Galoppi
9 being rough with his hands?

10 A. Yes.

11 Q. When?

12 A. Back in 1991, '92. '91 and '92.

13 Q. So you told them about an
14 incident that occurred 13 years earlier, 14
15 years earlier?

16 A. Approximately, yes.

17 Q. Okay. Did you advise them of
18 anybody else who you believe to be rough
19 with their hands?

20 A. No.

21 Q. Okay. What else did they ask you
22 in the first communication with the DA with
23 these two individuals?

24 A. Who else was working, and that's
25 when I invited them in my house and I gave

1 E. Carter

2 them a copy of the schedule that I had
3 hanging up.

4 Q. Okay. And how long was this
5 communication with these two individuals in
6 your house?

7 A. Approximately five, 10 minutes.
8 Maybe 15.

9 Q. Did they ask you anything about
10 chief -- about Mr. Hesse?

11 A. They asked in general about any
12 individual working for the police
13 department.

14 Q. So you -- you responded about
15 every single individual?

16 A. No. I didn't respond about any
17 of them at that time.

18 Q. But what did they specifically
19 ask you about Mr. Hesse?

20 A. Well, he would have been part of
21 a member of the police department with, you
22 know, anybody have a problem with their
23 hands, and I didn't bring him up, obviously,
24 because I never saw him do anything
25 firsthand.

1 E. Carter

2 Q. So did they ask you specifically
3 anything about Mr. Hesse during this first
4 conversation?

5 A. No.

6 Q. Okay. When was the next time you
7 spoke with anyone associated with the
8 Suffolk County DA?

9 A. Approximately within that week, I
10 got that phone call at work.

11 Q. From whom?

12 A. Detective Iacopelli.

13 Q. What did he want?

14 A. He wanted to come to my house the
15 following day to talk to me. He had new
16 information.

17 Q. What was the new information?

18 A. He wouldn't tell me on the phone.

19 Q. Okay. Anything else that took
20 place during this phone conversation that
21 you can recall?

22 A. I told him I couldn't talk to him
23 without the village attorney present.

24 Q. Okay.

25 A. Due to that internal

1 E. Carter

2 correspondence and I'd have to get back to
3 him.

4 Q. What internal correspondence?

5 A. About they put up -- beach put up
6 an internal correspondence, any contact or
7 because he -- any contact with the District
8 Attorney's office, a village attorney must
9 be present.

10 Q. Okay. And did you notify Ken
11 Gray that you were contacted by the Suffolk
12 County DA?

13 A. No. I notified George Hesse who
14 notified Ken Gray.

15 Q. Okay. And after that telephone
16 conversation, what was the next time you
17 spoke with anyone associated with the
18 Suffolk County DA?

19 A. Following day.

20 Q. Where?

21 A. My living room.

22 Q. Was Ken Gray there?

23 A. Yes.

24 Q. Did you speak with Ken Gray prior
25 to meeting with the Suffolk County DA?

1 E. Carter

2 A. Yes.

3 Q. What did Ken Gray say to you?

4 A. First off, they were running
5 late, so Ken Gray's like, you know, "they
6 should have used their lights and sirens."
7 But he told me -- I explained to him that
8 they -- my feeling was they felt that I was
9 at work on the night of the Gilbert thing,
10 and he looked at me and he says, "I know you
11 weren't working." And I said, "What do you
12 mean?" And he was on the rescue squad that
13 night, so he knew I wasn't working, and I
14 explained to him how the schedule -- the
15 three tour was actually the day after --
16 day before, but on the schedule, like I did
17 work when the incident occurred.

18 Q. Did Ken Gray say anything else to
19 you before you met with him and the Suffolk
20 County DA representatives?

21 A. He was very quiet.

22 Q. Did he tell you to lie?

23 A. No.

24 Q. Did he tell you to misrepresent
25 anything?

1 E. Carter

2 A. No.

3 Q. Did he tell you to do anything
4 other than to tell the truth?

5 A. No. He didn't even tell me that.
6 He just really didn't get into any
7 conversation like that at all.

8 Q. Did you ask Ken Gray any
9 questions?

10 A. No.

11 Q. Okay. So you then spoke with the
12 representatives from the DA in your house
13 with Ken Gray present, right?

14 A. Yes.

15 Q. What was -- what did they ask of
16 you at that time?

17 A. The biggest part was my time
18 sheets with the beach.

19 Q. Concerning you?

20 A. Concerning the August 28
21 incident.

22 Q. Gilbert?

23 A. Gilbert, yes. They showed me --
24 basically they had a stack of time sheets
25 like you have here which is Exhibit-10 of

1 E. Carter

2 mine and other officers, and they asked me
3 to look at it and tell me when I worked. So
4 I told them, you know, looking at it, I told
5 them when I worked.

6 And then they showed me another
7 officer's time sheets and asked me when he
8 worked, and I told them I couldn't answer
9 it. And they asked me again, they said,
10 "Well, if you worked, for an example, on
11 that Tuesday, the three tour and he has the
12 Tuesday three tour, he worked?" I said, "I
13 can't answer for somebody else when they
14 worked or when they didn't work."

15 Q. Okay. What else did they ask
16 you, other than that question?

17 A. I don't recall at this time.

18 Q. Did they ask you any specific
19 questions at that time about Mr. Hesse?

20 A. I don't recall. No. I don't
21 recall at this time. No. Not to my
22 knowledge.

23 Q. Okay. When's the next time you
24 spoke with any representative from Suffolk
25 County DA?

1 E. Carter

2 A. It would have been April of '06
3 which I explained to you earlier.

4 Q. Okay. And the DA --

5 A. After April 2. You know, it was
6 approximately April 6.

7 Q. And you called them?

8 A. Yes.

9 Q. And where did you have this
10 conversation?

11 A. In their office.

12 Q. Okay. And how long was this
13 conversation with these six detectives and a
14 prosecutor?

15 A. It was approximately half hour,
16 if it lasted long -- a little longer than
17 that.

18 Q. And did they ask you any
19 questions about George Hesse?

20 A. I don't recall if they asked
21 pinpoint questions.

22 Q. So you volunteered the fact that
23 you believe that Mr. Hesse was having sexual
24 affairs while on duty?

25 MR. GOODSTADT: Objection.

1 E. Carter

2 A. That was probably during the
3 third meeting I had with them.

4 Q. What third meeting?

5 A. There was -- well, the fourth
6 meeting. I'm sorry. The fourth meeting.

7 Q. Well, when was the fourth
8 meeting?

9 A. Approximately -- approximately a
10 week later I had to -- the handwritten notes
11 I had, I had to bring them up to them and
12 give it to them.

13 Q. Oh, okay. So let's go back to
14 that April meeting. They asked you to do
15 what, if anything, in this April meeting?

16 A. When I explained to them that I
17 was let go and they saw that I was pretty
18 upset, they said, "Well, why did he -- why
19 did he let you go?" I told him about the
20 directive thing. And they said, "Well, what
21 directives?" And they looked at me
22 dumbfounded, too, like I looked at George,
23 and they said, "Well, why do you think you
24 were let go?" And I said, "I really don't
25 know." I said, "With everything going on

1 E. Carter

2 with the Gilbert thing, I can't tell you."

3 I said, "You know, I don't know if it had

4 anything to do with the guys over there

5 being spooked because of the thing with

6 Islip town with the corruption thing where

7 the upper bosses were taken out and I never

8 spoke to the District Attorney's office." I

9 said, "I don't know. I have no idea what's

10 going on."

11 And they said, "Listen," they

12 said, "Go home, get a piece of paper, and

13 write some notes." And that's what I did.

14 Q. Write some notes about what?

15 A. About anything I had knowledge of

16 with Ocean Beach as far as the way the

17 police department ran. Anything.

18 Q. So you had a choice, then, to

19 decide what you were going to tell them and

20 what you didn't, right?

21 MR. GOODSTADT: Objection.

22 A. I was going to tell them the

23 truth.

24 Q. Okay. And you sent a -- you

25 wrote out on a piece of paper?

1 E. Carter

2 A. It was -- yeah. Approximately --
3 it was looseleaf type paper, two pieces.

4 Q. Okay. And you wrote that
5 Mr. Hesse engaged in a sexual affair while
6 on duty with women?

7 A. I don't recall if that was in my
8 notes, but yes, he did. I know that for a
9 fact.

10 Q. No. I'm not interested in what
11 he may not have done or done. I'm asking
12 did you advise the Suffolk County DA that --
13 in this document that you wrote, that
14 Mr. Hesse was engaging in sexual affairs
15 with women while on duty?

16 MR. GOODSTADT: Objection.
17 Asked and answered.

18 A. Again, I don't recall at this
19 time if I did or not.

20 Q. Did you advise the Suffolk County
21 DA in this letter -- in this document that
22 you wrote, that George Hesse asked you to or
23 asked officers to chauffeur drunken officers
24 around the village?

25 A. No, I don't believe I did that.

1 E. Carter

2 Q. What did you advise the Suffolk
3 County DA on this written document that you
4 just referred to?

5 A. There was -- basically that I
6 was -- you know, Chief Loeffler was the
7 chief. Winnie Loeffler was the court clerk.
8 There was Joe Loeffler's the mayor. Alan
9 Loeffler was working for the department.
10 They asked -- I put down about some
11 uncertified officers. Couple of incidents
12 that happened in front of me with the drinks
13 coming into the station that I recall at
14 this time. Again, there was a front, back
15 and a front, so I don't recall exactly.

16 Q. You told them in this written
17 document that you wrote a week after the
18 April meeting with them, that Mr. Loeffler
19 was the mayor?

20 A. No. I believe I put down he was
21 a trustee at that time.

22 Q. He wasn't the mayor at the time,
23 right?

24 A. I don't recall, to be honest with
25 you.

1 E. Carter

2 Q. Okay. Okay. When was the next
3 time after -- well, did you hand him this
4 written document or did you mail it to him?

5 A. I believe I dropped it off.

6 Q. Do you have a copy of this?

7 A. No. They have the original.

8 Q. You didn't make a copy?

9 A. No, sir.

10 Q. For your own records you made no
11 copy?

12 A. No, sir.

13 Q. And did you have any other
14 meetings with the Suffolk County DA after
15 you dropped off this written document?

16 A. Yes.

17 Q. When was the next time that you
18 had a meeting with them?

19 A. I don't recall exactly
20 chronologically when it happened, but
21 Detective Warkenthien came to my house in
22 2007 -- 2007. Referenced the conversation
23 we had, and, you know, again, I added more
24 to it. The photos that were there with the
25 grand jury subpoena laying on the desk, I

1 E. Carter

2 let them know about that.

3 Q. What photos?

4 A. The photos of the police
5 department offices. I let them know right
6 after the Gilbert incident that Bill
7 Embreui, who I was misidentified as
8 apparently, shaved his mustache I recalled,
9 and you know, how everybody, you know,
10 basically isolated themselves from me. I
11 also gave a statement in reference to
12 something Bill Embreui said to me.

13 Q. What did Mr. Embreui say to you?

14 A. The night of the Gilbert
15 incident, Bill Embreui came in -- well, the
16 Friday after the Gilbert incident, Bill
17 Embreui came into the police station, I was
18 working the desk around 2:00, 2:30 in the
19 morning. He was looking, you know, standing
20 there and he said, "What's up?" You know,
21 basically small talk, and then he says, "You
22 want to know what I know?" I said, "I don't
23 know. I don't really -- what do you know?"
24 So he says oh, the night of the Gilbert
25 thing, he was outside across the street on

1 E. Carter

2 Bay Walk talking to one of Gilbert's friends
3 who was a police officer over in Europe, and
4 Gilbert was inside getting the summons. You
5 know, he was telling the guy everything will
6 be fine. He'll be out in a couple minutes.

7 With that, the front door opened
8 and Gilbert started yelling -- kicked the
9 door. Bill walked across the street on Bay
10 Walk. Walked up the deck. Gilbert was
11 pulled back inside. Bill went inside the
12 door, and when the shit hit the fan, he
13 turned around and he done -- he did with the
14 thumb lock. He motioned he locked the door
15 with the thumb lock so no one else could
16 come in.

17 Q. Now when did Bill tell you this?

18 A. That was the Friday immediately
19 after -- Friday into Saturday morning
20 immediately after the Gilbert incident.

21 Q. So you knew about what
22 Mr. Embreui said to you in September of
23 2005, right?

24 A. Yes.

25 Q. October 2005?

1 E. Carter

2 A. Yes.

3 Q. You didn't say anything to the DA
4 then, did you?

5 A. There was no reason at that --
6 they didn't ask me about it and there was no
7 reason -- I didn't think Bill -- you know,
8 Bill locked the door at that point.

9 Q. Oh, so you don't think Bill did
10 anything wrong by locking the door?

11 MR. GOODSTADT: Objection.

12 Q. Well, did you think Bill did
13 anything wrong by locking the door as he
14 said he did?

15 A. At that time, no.

16 Q. So what was the reason for you
17 telling the DA about what Bill Embreui told
18 you, if you didn't think he did anything
19 wrong?

20 A. They --

21 Q. After you were allegedly fired?

22 A. Detective Warkenthien, again -- I
23 had an April I believe it was '07 discussion
24 with him, and he asked me -- that was
25 sometime in August I believe it was. I gave

1 E. Carter

2 him the statement.

3 Q. So let me understand this, you
4 didn't make -- you didn't advise the DA of
5 anything that went on that you were told
6 involving the Gilbert incident until after
7 you were allegedly fired on April 2, 2006,
8 right?

9 MR. GOODSTADT: Objection.

10 A. No. Just that, you know, when
11 they were interviewing people, Arnie
12 Hardman -- no.

13 Q. In fact, the only thing you told
14 them before you were allegedly terminated on
15 April 2, 2006 was that you weren't present
16 that night, right?

17 A. Basically, yes.

18 Q. Did you ever testify before the
19 grand jury?

20 A. No.

21 Q. Were you ever asked to?

22 A. No.

23 Q. The DA ever ask you to wear a
24 wire?

25 A. No.

1 E. Carter

2 Q. To your knowledge, did the DA
3 ever ask any of the other Plaintiffs to wear
4 a wire?

5 A. No.

6 Q. When was the last time you spoke
7 to the DA?

8 A. Um, last time you canceled my
9 deposition. I don't know the exact date.

10 Q. Why was it that you spoke to the
11 DA the last time we canceled your
12 deposition?

13 A. As the case was proceeding, I
14 would just give him a call and let him know
15 he was going for a deposition. The last --
16 I was canceled actually I believe out of
17 three of them or two of them, and just to
18 let them know. That didn't tell me
19 anything. I didn't basically --

20 Q. Why did you feel it necessary to
21 keep the DA advised of the status of this
22 case?

23 MR. GOODSTADT: Objection.

24 A. I -- I wasn't sure with the Bill
25 Embreui statement, if I was allowed to

1 E. Carter

2 disclose that or not, and my attorney told
3 me I was.

4 MR. GOODSTADT: Objection.

5 Don't testify to anything your attorney
6 told you.

7 Q. The question to you, sir, is why
8 did you feel it necessary to advise --
9 well, given that you talked to your attorney
10 about what you could or could not say, and I
11 don't really want to know what you and your
12 attorney talked about, why did you feel it
13 necessary to keep the DA advised of whether
14 or not you were being deposed in this case?

15 MR. GOODSTADT: Objection.

16 A. I just -- they were honest with
17 me, you know, that they didn't -- I felt
18 they were honest with me about telling me I
19 never wore a wire and stuff, and they,
20 again, they got the -- they got the
21 original thing that I was working that
22 night, which I wasn't, so no. I just made a
23 phone call.

24 Q. They were honest with you about
25 you never wearing a wire, is that what you

1 E. Carter

2 testified about?

3 A. I believe they aren't the one
4 that started that with the wire.

5 Q. Oh, okay. That's what you mean.
6 So how many times have you spoken to the DA
7 about this lawsuit?

8 A. About my lawsuit in particular?

9 Q. Yeah. 'Because you called them up
10 to tell them that you weren't being deposed,
11 so --

12 A. Deposed, maybe three times.

13 Q. Why?

14 A. I just -- I don't know. I just
15 felt they should know I was going to get
16 deposed.

17 Q. Did they ask you to call them?

18 A. No.

19 Q. What DA did you speak with about
20 you being deposed?

21 A. Detective Warkenthien.

22 Q. Detective what?

23 A. Warkenthien.

24 Q. Is he a DA or is he a detective?

25 A. Detective.

1 E. Carter

2 Q. Have you spoken to any DA?

3 A. Originally?

4 Q. About you being deposed?

5 A. No.

6 Q. So why did this detective care,
7 to your knowledge, that you were being
8 deposed?

9 MR. GOODSTADT: Objection.

10 A. None that I know of.

11 Q. Have you been given any deal by
12 the Suffolk County DA to cooperate?

13 A. Absolutely not.

14 Q. Have you been promised anything
15 by the Suffolk County DA to cooperate in
16 their case against Ocean Beach involving
17 Gilbert?

18 A. Absolutely not.

19 Q. Were any of the Plaintiffs, to
20 your knowledge, given any deals to cooperate
21 with the DA involving the Gilbert case?

22 A. No. Absolutely not that I know
23 of.

24 Q. Were any of the Plaintiffs on
25 duty at the time of the alleged incident

1 E. Carter

2 involving Gilbert?

3 A. Best of my knowledge, no.

4 Q. Let's look at -- continue on the
5 preliminary statement, last sentence of that
6 page, "Plaintiffs' repeated and tireless
7 efforts to champion integrity and the
8 highest values of public service have met
9 with abject failure, as the department has
10 inexorably fallen under control of officers
11 and commanders who, while in uniform, drink
12 alcohol and frequent local bars," do you see
13 that?

14 A. Yes.

15 Q. What commanders are you referring
16 to?

17 A. George Hesse.

18 Q. Any other commander, other than
19 Mr. Hesse?

20 A. No.

21 Q. Let's look at paragraph 13, page
22 five, third sentence, "at all times," do you
23 see that, end of the third sentence?

24 A. Yes.

25 Q. Okay. "At all times herein

1 E. Carter

2 mentioned -- hereinafter mentioned,
3 Defendant Hesse was and is the official
4 responsible for the management and
5 supervision of the OBPD, including its
6 maintenance and operation, as well as the
7 hiring, promotion and discipline of
8 employees and all other employment-related
9 issues," do you see that?

10 A. Yes.

11 Q. Was Mr. Hesse responsible for all
12 of this in 1991?

13 A. He wasn't there in 1991.

14 Q. What's that?

15 A. He wasn't there in 1991.

16 Q. Mr. Hesse wasn't there in 1991?

17 A. No, sir.

18 Q. Was Mr. Hesse responsible for all
19 of this in 1992?

20 A. I don't believe he was there in
21 1992.

22 Q. '93?

23 A. No.

24 Q. Who was?

25 A. Ed Paridiso and Chief Joe

1 E. Carter

2 Loeffler.

3 Q. Why do you say Chief Joe
4 Loeffler?

5 A. Because Chief Joe Loeffler was
6 there in 1991, two and three, and Ed
7 Paridiso was a sergeant in '91, '92, '93.

8 Q. Joe Loeffler was the chief of
9 police in 1993? Okay. I apologize. How
10 about in 2001? I apologize. In 2001, was
11 Mr. Hesse responsible for everything that
12 you've alleged in paragraph 13?

13 A. Yes.

14 Q. He was?

15 A. Himself and the chief, yes.

16 Q. Well, who was responsible, the
17 Chief Paridiso or George Hesse?

18 A. It was a joint -- I'm sure it was
19 a joint shareman of that.

20 Q. How do you know?

21 A. I'm relating to -- it's my belief
22 within my job, I'm responsible for the
23 discipline of employees -- in my position
24 with the Town of Islip, I could -- I'm
25 responsible for the managerial position and

1 E. Carter

2 supervision of the park rangers under me.

3 Q. Well, that's all well and good,
4 but my question for you is, in 2001, how do
5 you know that George Hesse had any
6 responsibility for the management and
7 supervision of the OBPD?

8 MR. GOODSTADT: Objection.

9 Q. How do you know that?

10 A. He would give orders out.

11 Q. Okay. To whom?

12 A. To the officers. Myself and
13 other officers.

14 Q. On his shift?

15 A. Yes.

16 Q. Okay. I'm talking about the
17 entire Ocean Beach Police Department. How
18 do you know that he was responsible for the
19 management and supervision of the entire
20 Ocean Beach Police Department as opposed to
21 just the men on his shift?

22 A. Well, he would work 4:00 to
23 12:00s, but he'd give me orders on midnights
24 of stuff to do.

25 Q. Right. I understand that on his

1 E. Carter

2 shift, when you were working for him, he
3 gave you orders, but this allegation doesn't
4 refer to Chief Paridiso, does it?

5 A. No.

6 Q. And this allegation doesn't refer
7 to your 12:00 -- your 4:00 to 12:00 shift,
8 does it?

9 A. What 4:00 -- no.

10 Q. This doesn't refer to any
11 specific shift, does it?

12 A. No.

13 Q. Your allegation says Hesse was
14 and is the official responsible for the
15 management and supervision of the Ocean
16 Beach Police Department, do you see that?

17 A. No. I was just trying to find
18 where you were.

19 Q. How do you know that Hesse was
20 responsible for the management and
21 supervision of the entire Ocean Beach Police
22 Department as opposed to Chief Paridiso?

23 MR. GOODSTADT: Objection.

24 A. I don't at this time.

25 Q. Okay. Great. You go on to

1 E. Carter

2 allege that "Hesse, at all times herein
3 mentioned, was responsible for the hiring,
4 promotion and discipline of employees," do
5 you see that?

6 A. No, I don't.

7 Q. Keep going.

8 A. This line here, "promotion and
9 discipline of employees"?

10 Q. Yes. "The hiring, promotion and
11 discipline of employees," do you see that?

12 A. Yes.

13 Q. All right. In 2001, how do you
14 know that Hesse was responsible for the
15 hiring of any Ocean Beach Police Department
16 employee as opposed to Chief Paridiso?

17 A. In 2001, I don't know if George
18 hired anyone.

19 Q. How about 2002?

20 A. George had the two Bosetti
21 brothers hired.

22 Q. How do you know he was
23 responsible for the hiring?

24 A. He told us that.

25 Q. Okay. And do you know if he had

1 E. Carter

2 to get it approved by Chief Paridiso?

3 A. No, I don't.

4 Q. Do you know if Chief Paridiso had
5 to get it approved by the mayor?

6 A. No, I don't.

7 Q. Okay. So then my question to you
8 is, how do you know, in 2002, that Defendant
9 Hesse was the official responsible for the
10 hiring of Ocean Beach Police Department
11 employees?

12 MR. GOODSTADT: Objection. He
13 just testified to it.

14 Q. As opposed to a particular
15 employee?

16 A. Those two employees that I know
17 of. I don't recall who else came on in
18 2002.

19 Q. Okay. But you don't know what
20 chain of command Mr. -- if any, that
21 Mr. Hesse had to go through in order to get
22 the Bosetti brothers hired, correct?

23 A. No.

24 Q. And you don't know who had to
25 ultimately sign off on their hires, correct?

1 E. Carter

2 A. No.

3 Q. You don't know if the board of
4 trustees had to approve it, do you?

5 A. No.

6 Q. And you don't know if the mayor
7 had to approve it, do you?

8 A. No.

9 Q. Okay. Let's look at paragraph
10 19. Let's look at the last sentence. You
11 write "Sanchez was and is directly
12 responsible for overseeing personnel actions
13 taken by Ocean Beach and the OBPD and for
14 ensuring that such personnel actions conform
15 to Suffolk County Civil Service regulations
16 and other applicable laws," do you see that?

17 A. Yes.

18 Q. Have you ever met Alison Sanchez?

19 A. No.

20 Q. Have you ever had a conversation
21 with Alison Sanchez?

22 A. No.

23 Q. If Alison Sanchez stood before
24 you right now, would you know what she --
25 would you know what she looked like?

1 E. Carter

2 A. Possibly, from a picture I've
3 seen.

4 Q. Okay. How do you know, sir, that
5 Ms. Sanchez was and is directly responsible
6 for overseeing personnel actions by Ocean
7 Beach and the Ocean Beach Police Department?

8 A. George Hesse stated she was in
9 charge of the account for the Ocean Beach
10 Police Department, the Village of Ocean
11 Beach.

12 Q. And that's the basis for your
13 knowledge?

14 A. He's the one that she was working
15 with to get the uncertified certified.

16 Q. I'm not asking about the
17 uncertified and certified. I'm asking about
18 being directly responsible for overseeing
19 personnel actions.

20 MR. GOODSTADT: He just
21 testified that's what his basis is.

22 Q. Your opinion is based upon what
23 Mr. Hesse told you?

24 A. Yes.

25 Q. You have no independent

1 E. Carter

2 recollection -- knowledge?

3 MR. GOODSTADT: Objection.

4 Objection. You're misstating his
5 testimony. He's testified that what
6 Hesse told him and that she was the one
7 who worked with him. That's the basis.

8 MR. NOVIKOFF: Worked with
9 Hesse?

10 MR. GOODSTADT: Yes.

11 Q. But you don't know that she
12 worked with Hesse, other than Hesse telling
13 you, right?

14 A. That and the correspondence that
15 came back and forth from civil service with
16 her on it.

17 Q. To whom?

18 A. To George Hesse and the village.

19 Q: And you saw that correspondence?

20 A. Yes. They were left on the desk.

21 Q. And do you know who Ms. Sanchez's
22 superior was, if anybody, at this time?

23 A. My guess would be --

24 Q. No, not your guess. Do you know
25 who, if anyone, was Ms. Sanchez's

1 E. Carter

2 superior --

3 MR. GOODSTADT: Objection.

4 Q. -- at any point in time between
5 2001 and the date -- and April 2, 2006?

6 MR. GOODSTADT: Objection. You
7 can answer however you want to answer.

8 Q. Do you know who, if anybody, was
9 Ms. Sanchez's superior between 2001 and
10 April 2, 2006?

11 A. Through our discovery, yes.

12 Q. Who?

13 A. Stanley Pelt.

14 Q. Stanley Pelt?

15 A. Yes.

16 Q. So other than through discovery,
17 you did not know?

18 A. No.

19 Q. Who is Stanley Pelt?

20 A. He's the -- if I had the document
21 in front of me, the senior analyst I believe
22 it's called under civil service. Civil
23 service analyst.

24 Q. 26, you allege "throughout their
25 careers with OBPD, Plaintiffs performed

1 E. Carter

2 their duties in an exemplary fashion and
3 were never the subject of a public
4 complaint, investigation or disciplinary
5 action." Is it your testimony, sir, that
6 while you were employed at Ocean Beach, that
7 no member of the public ever wrote a
8 complaint about you?

9 A. Yes.

10 Q. In any capacity?

11 A. Yes.

12 Q. Involving any conduct you were
13 involved in pertaining to either Ocean Beach
14 or the Town of Islip?

15 A. Yes.

16 Q. Okay. Let's look at paragraph
17 36. 36 is alleged "Plaintiffs each advised
18 Hesse on numerous occasions that the
19 department and village were left dangerously
20 short of personnel when Plaintiffs were
21 assigned to chauffeur intoxicated officers
22 and their civilian friends," do you see
23 that?

24 A. Yes.

25 Q. Did you complain to Mr. Hesse on

1 E. Carter

2 numerous occasions about what I've just read
3 based upon your allegation in 36?

4 A. Yes.

5 Q. When's the first time that you
6 complained to Mr. Hesse about this?

7 A. When it was --

8 Q. Not -- I'm looking for a date.

9 MR. GOODSTADT: He's telling
10 you when.

11 A. Summer of 2003.

12 Q. Okay. And what did Mr. Hesse say
13 to you, if anything, when you complained to
14 him?

15 A. He ignored it at that time and it
16 continued. We explained to him that --

17 Q. No. I just want to know what his
18 reaction was. He ignored it?

19 A. He basically ignored it.
20 Shrugged it off.

21 Q. Okay. When was the next time
22 that you complained to -- you personally
23 complained to Mr. Hesse concerning what I
24 just read from paragraph 36?

25 A. The later part of that summer.

1 E. Carter

2 Q. Okay. And what did Mr. Hesse do,
3 if anything?

4 A. He spoke to the individuals that
5 were going out to the bars drinking, and
6 told them to wait until 5:00 in the morning.

7 Q. Okay. But who assigned the
8 officers to chauffeur these other officers
9 around?

10 A. That was not with me, but George
11 told us for a while to take the officers to
12 the checkpoint from the village leaving one
13 guy in. The midnights had two officers on.

14 Q. When you say that wasn't you,
15 what do you mean?

16 A. This part of the complaint is
17 each of the Plaintiffs in the lawsuit
18 were --

19 Q. No. I'm saying, who assigned --
20 did you ever have to chauffeur anybody?

21 A. Yes.

22 Q. Who assigned you to chauffeur
23 people?

24 A. George Hesse.

25 Q. Okay. And you first complained

1 E. Carter

2 to George Hesse in the summer of 2003,
3 right?

4 A. Yes.

5 Q. And your next complaint was when,
6 to George Hesse about this chauffeuring?

7 A. The latter part of 2003.

8 Q. And what did Mr. Hesse say to you
9 in response to your complaint, if anything?

10 A. He just basically said, "I'll
11 take care of it."

12 Q. And did he?

13 A. I noticed I wasn't leaving the
14 village as much when I came in on the
15 weekends, yes.

16 Q. When you say you weren't leaving
17 the village as much, what do you mean?

18 A. To chauffeur people back and
19 forth to the checkpoint.

20 Q. When you say "people," you mean
21 officers?

22 A. Officers, friends of George
23 Hesse.

24 Q. Okay. Did you continue to
25 chauffeur officers or friends of George

1 E. Carter

2 Hesse after your second complaint to
3 Mr. Hesse in 2003?

4 A. 2003, no. It went into the
5 winter months.

6 Q. What's that?

7 A. It went into the off season, no.

8 Q. What went into the off season?

9 A. In other words, this was during
10 the summer months it was the most. Going
11 into the winter months I worked by myself.

12 Q. Well, no. My question to you,
13 sir, is you complained to Mr. Hesse for a
14 second time in the summer of 2003 about
15 having to chauffeur friends of his or other
16 officers to the checkpoints. After the
17 second complaint when Mr. Hesse said he
18 would take care of it, did you, in 2003,
19 chauffeur anybody else?

20 A. Not that I recall.

21 Q. Okay. How about 2004, did you
22 chauffeur anybody at Mr. Hesse's request in
23 2004?

24 A. Yes.

25 Q. On how many occasions?

1 E. Carter

2 A. Exactly I couldn't give you a
3 number. I'd say approximately six to eight
4 times.

5 Q. Friends of George Hesse?

6 A. Sometimes it was friends of
7 George Hesse. Sometimes it was the
8 officers.

9 Q. Okay. And was this always at the
10 request -- at the direction of Mr. Hesse?

11 A. Yes.

12 Q. How many times in 2004 -- well,
13 did you complain to Mr. Hesse in 2004?

14 A. About the taking the officers
15 after they were drinking, yes.

16 Q. Or the friends?

17 A. The friends, not as much.

18 Q. Why not?

19 A. Because he would call me and tell
20 me to wait at the checkpoint for 20 minutes,
21 30 minutes. Somebody was coming in, a
22 friend of his, company or whatever, and I
23 would wait, and then I would pick the person
24 up and drive them into the village.

25 Q. Okay. But my question is, why --

1 E. Carter

2 why did you complain to Hesse about the
3 officers, but not as much as about the
4 friends?

5 A. Because the officers directly
6 affected me and my partner, where driving
7 the friends didn't directly affect me.
8 George waited in the village until I got
9 there.

10 Q. George didn't wait in the village
11 when he directed you to chauffeur the
12 officers?

13 A. No.

14 Q. Where was George?

15 A. He might have been upstairs
16 sleeping or he might have been home.

17 Q. How did he direct you? By phone?

18 A. Prior to getting off. I'd come
19 in at midnight.

20 Q. Prior to you getting off or prior
21 to Hesse getting off?

22 A. Both of us meeting at roughly
23 12:00. Somewhere in that time. 11:30.

24 Q. No, but I'm wondering, when
25 Hesse, in 2004, directed you to chauffeur

1 E. Carter

2 police officers to the checkpoint, was he on
3 duty at the time?

4 A. Yes.

5 Q. And so what makes you say that he
6 wasn't still on duty when you were
7 chauffeuring these officers?

8 A. The -- because he would go off
9 duty. In other words, I'd see him while he
10 was still on duty.

11 Q. Okay.

12 A. And then I'd be off. You know,
13 he'd go off duty and I'd be on for the eight
14 hours.

15 Q. Okay. I understand now. So did
16 you complain to George Hesse in 2004 about
17 him directing you to chauffeur either his
18 friends or the police officers?

19 A. Yes.

20 MR. GOODSTADT: Objection.

21 Q. Okay. And what did -- when was
22 the first time you complained in 2004?

23 A. Would have been June of 2004.

24 Q. And what did you say to him?

25 A. "George, you know, this is

1 E. Carter

2 bullshit," straight out. "It's bullshit
3 that I got to take these guys out and leave
4 either John or Kevin, Tom, whoever by
5 themselves in the village."

6 Q. And what did Hesse say to you, if
7 anything, after your first complaint in
8 2004?

9 A. "Just do it."

10 Q. Okay. And did there come a
11 second time that you complained to Hesse in
12 2004 about chauffeuring either his friends
13 or these officers?

14 A. Yes.

15 Q. When?

16 A. I'd say July or August. July.

17 Q. What did you say to him?

18 A. That, "Again, you're leaving the
19 village short. You can't do this."

20 Q. And what did he say to you?

21 A. He shrugged it off, then walked
22 out.

23 Q. Did you complain to him a third
24 time in 2004?

25 A. There was, again, the complaints

1 E. Carter

2 were there, they weren't being answered, so
3 at that point, you know, you wind up talking
4 to dead ears.

5 Q. No. I understand that. So my
6 question is, did you complain to Mr. Hesse a
7 third time in 2004?

8 A. I would say yes. Right around
9 Labor Day.

10 Q. And what did you say to Hesse?

11 A. I said, "George, you know, again,
12 the other night we have to go -- you know,
13 we had to go gas the vehicle and stuff." I
14 said, "I'm driving these guys out, coming
15 back to the village, then driving out of the
16 village again to go gas the vehicle. I'm
17 leaving the village, two, two and a half
18 hours empty."

19 Q. And what did Hesse say to you
20 this third time?

21 A. That's when we started gassing
22 the vehicle in the morning.

23 Q. But what did Hesse say to you in
24 response to your complaint on the third --
25 the third time in 2004?

1 E. Carter

2 A. Nothing.

3 Q. Okay. Did you complain a fourth
4 time in 2004?

5 A. That I recall at this time, no.

6 Q. How about 2005, did you complain
7 to Hesse about -- well, did Hesse ever
8 direct you, in 2005, to chauffeur either his
9 friends or -- or police officers who were
10 intoxicated?

11 A. If there were two trucks, no. If
12 there was the one truck, yes.

13 Q. I'm just asking you if you recall
14 him ever directing you, regardless of how
15 many trucks there may have been?

16 A. No. It was just standing, drive
17 the guys out. When they're done, just drive
18 them out. Get them out of the village so
19 they can go home.

20 Q. So he did direct you to chauffeur
21 these guys to the checkpoint?

22 A. In 2004, yes.

23 Q. How about 2005?

24 A. Yes.

25 Q. Did you complain to Hesse in 2005

1 E. Carter

2 about doing this?

3 A. Yes. I'd say yes.

4 Q. Even though your complaints in
5 2003 and 2004 were ignored?

6 A. Yeah. Because it wasn't as --
7 it got -- it got worse but it wasn't because
8 there were two vehicles. So there was, you
9 know, the vehicles were in the village, so
10 they would take the keys, the guys that were
11 driving out.

12 Q. I don't understand. What's the
13 difference having two vehicles if you were
14 still leaving the village short, in your
15 opinion?

16 A. I wouldn't have to leave the --
17 when there were two vehicles, I wouldn't
18 have to leave the village short. They would
19 just take the other vehicle.

20 Q. Oh, the other officers?

21 A. Yes, the other officers.

22 Q. So my question, sir, is in 2005,
23 did Hesse direct you to chauffeur any police
24 officers to the checkpoints or his friends?

25 A. Yes.

1 E. Carter

2 Q. And did you complain to Hesse in
3 2005?

4 A. Actually, me and George got into
5 a pretty big blow up that year.

6 Q. Well, that's nice, but did you
7 complain to Mr. Hesse about --

8 A. Yes.

9 Q. -- this specific direction?

10 A. Yes.

11 Q. When? When was the first time?

12 A. It was I believe, as I recall, it
13 was July 4th weekend. The truck got stuck
14 in the sand. I was the senior officer in
15 the vehicle with the midnight guys coming
16 on. There were approximately --
17 approximately six of us in the vehicle and
18 two females. Arnie Hardman was driving.
19 Buried the truck in the sand. Rich and Gary
20 Bosetti took the second truck to come pull
21 us out of the sand. While doing so, they
22 buried that truck. There's only George in
23 the village and I believe it was Ken
24 Bockelman. George is on the radio
25 screaming. Suffolk County Marine Bureau is

1 E. Carter

2 coming to pick us up. I had to go on a call
3 with Suffolk County Marine Bureau to Kismet
4 for a fight because they had no back up,
5 they were pulling our vehicles out.

6 Once our vehicles got out, Arnie
7 Hardman then drove it into the mud over in
8 what's -- trying to think, just west of
9 Corneille. I'm going to say Lonelyville
10 it's called there. Lonelyville. I'm not
11 100 percent sure.

12 Q. Are you done or are you --
13 because my question was when and you said
14 July 4 --

15 A. Yeah. Okay. Sorry.

16 MO MR. NOVIKOFF: So motion to
17 strike as nonresponsive.

18 Q. When was the first time in 2005
19 that you complained to George Hesse about
20 his direction to you to chauffeur either his
21 friends or police officers?

22 A. July 2005.

23 Q. Okay. And what was Mr. -- what
24 did you say to George Hesse when you
25 complained to him?

1 E. Carter

2 A. He was pretty -- he said -- I
3 told him, I said, "George, you know, it
4 wasn't my" -- he goes, "Eddie, it is your
5 fault. You're the senior officer. You knew
6 better." I said, "George, I wasn't driving
7 the truck." He goes, "It's a weekend." I
8 said, "George, this is what happens when we
9 drive the guys in and out, leaving one
10 person in here." And he just got pissed off
11 and sent me to the back streets for the
12 night. He banished me.

13 Q. Okay. And was there a second
14 time that you complained to George Hesse
15 about his directions to either chauffeur
16 officers or his friends to checkpoints?

17 A. There was one other time myself
18 and -- yeah, Richard Bos -- Gary Bosetti, I
19 had to drive him and Rich out, and they were
20 very belligerent about it. So I drove them
21 out. I said something to George when I saw
22 him next, and he says, "Just do it. Just do
23 it."

24 Q. All right. Was that the last
25 time in 2005 that you recall complaining to

1 E. Carter

2 Hesse about his directions for you to
3 chauffeur either officers or friends?

4 A. Yes.

5 Q. Okay. In 2000 -- how about 2006?

6 A. I had only worked approximately
7 three days, two days.

8 Q. And when was that Bosetti
9 incident that you just -- the second
10 complaint that you made in 2005?

11 A. That was approximately August of
12 2005.

13 Q. Okay. In 2003, did you ever
14 complain to Chief Paridiso about Hesse's
15 direction?

16 A. No.

17 Q. How about to Mayor Rogers?

18 A. No.

19 Q. How about to Trustee Loeffler?

20 A. No.

21 Q. How about to any other trustee?

22 A. No.

23 Q. Did you send any communication to
24 Newsday or News 12 or any other media outlet
25 concerning this complaint about you leaving

1 E. Carter

2 the village short of personnel because of
3 this direction to chauffeur people?

4 A. No.

5 Q. Same questions with regard to
6 2004, would your answers change?

7 A. No.

8 Q. Same questions with regard to
9 2005, would your answers change?

10 A. No.

11 Q. So if I understand your testimony
12 correctly, that for 2003, 2004, 2005, other
13 than to George Hesse, you made no other
14 complaints to any other person or entity
15 concerning Hesse's direction to you to
16 chauffeur police officers or friends to
17 checkpoints?

18 MR. GOODSTADT: Objection.

19 That's not what he testified to.

20 Q. Is that correct, sir?

21 A. No.

22 Q. Well, I'll break it down, then.
23 You testified about 2003. Let's go to 2004.
24 Did you complain to Chief Paridiso about
25 this direction to chauffeur people?

1 E. Carter

2 A. No.

3 Q. Did you complain to Trustee

4 Loeffler?

5 A. No.

6 Q. Did you complain to Mayor Rogers?

7 A. No.

8 Q. Did you complain to any trustee

9 members?

10 A. No.

11 Q. Did you raise a complaint with

12 News 12?

13 A. No.

14 Q. Newsday?

15 A. No.

16 Q. Local village paper?

17 A. No.

18 Q. Any other media outlet?

19 A. No.

20 Q. Okay. 2005, did you complain to

21 Chief Paridiso about chauffeuring and

22 leaving the village short?

23 A. No.

24 Q. Did you complain to Mayor --

25 Mayor Rogers?

1 E. Carter

2 A. No.

3 Q. Did you complain to Chief
4 Loeffler -- I'm sorry, Trustee Loeffler?

5 A. No.

6 Q. Did you complain to any other
7 trustee?

8 A. No.

9 Q. Did you raise a complaint to News
10 12?

11 A. No.

12 Q. Newsday?

13 A. No.

14 Q. Any local newspaper?

15 A. No.

16 Q. Any other media outlet?

17 A. No.

18 Q. 41, how many times did Mr. Hesse
19 instruct you to remove empty beer cans and
20 other refuse that uncertified officers
21 abandoned in their vehicles and left strewn
22 about the police station after a night on
23 duty?

24 A. Every time it happened.

25 Q. How many times did it happen in

1 E. Carter

2 2003?

3 A. I can't give you an exact number.
4 It was approximately every other weekend or
5 every weekend that I'd come into the station
6 and be throwing the stuff out, and I, you
7 know, told him, "George, you know, this is
8 bullshit. I'm cleaning up beers and stuff
9 in the police station."

10 Q. How about 2004, how many times?

11 A. Same. It got -- 2004 -- 2005 was
12 the worst. 2004 was --

13 Q. Did you complain in 2003 to
14 Hesse?

15 A. About cleaning up, yes.

16 Q. Did you complain in 2004 to
17 Hesse?

18 A. Yes.

19 Q. 2005?

20 A. Yes. That's when it was really
21 bad.

22 Q. In 2005, did you complain to
23 Chief Paridiso?

24 A. No.

25 Q. Trustee Loeffler?

1 E. Carter

2 A. No.

3 Q. Mayor Rogers?

4 A. No.

5 Q. Any other trustee?

6 A. No.

7 Q. Newsday?

8 A. No.

9 Q. News 12?

10 A. No.

11 Q. Any other local paper?

12 A. No.

13 Q. Any other media outlet?

14 A. No.

15 Q. 2004, did you complain to Chief

16 Paridiso?

17 A. No.

18 Q. Trustee Loeffler?

19 A. No.

20 Q. Mayor Rogers?

21 A. No.

22 Q. Newsday?

23 A. No.

24 Q. Any other trustee?

25 A. No.

1 E. Carter

2 Q. News 12?

3 A. No.

4 Q. Any other local newspaper?

5 A. No.

6 Q. Any media outlet?

7 A. No.

8 Q. Anybody, other than Chief Hesse,
9 did you complain to in 2004?

10 A. He wasn't the chief then, so yes.
11 No.

12 Q. Other than Mr. Hesse, did you
13 complain to anybody?

14 A. No.

15 Q. Same question for 2003, did you
16 complain to Chief Paridiso?

17 A. No.

18 Q. Trustee Loeffler?

19 A. No.

20 Q. Mayor Rogers?

21 A. No.

22 Q. Any other trustee?

23 A. No.

24 Q. News 12?

25 A. No.

1 E. Carter

2 Q. Newsday?

3 A. No.

4 Q. Local newspaper?

5 A. No.

6 Q. Any other media outlet?

7 A. No.

8 Q. Okay.

9 MR. NOVIKOFF: Changing the
10 tape.

11 THE VIDEOGRAPHER: This ends
12 tape number five. The time is 4:19
13 p.m. Going off the record.

14 (A break was taken.)

15 THE VIDEOGRAPHER: This begins
16 tape number six. The time is 4:30 p.m.
17 Back on the record.

18 Q. Okay. Sir, let's go to paragraph
19 51 of your complaint. Can you just read it
20 and tell me when you're done?

21 A. (Reviewing). I'm done.

22 Q. Did Hesse ever instruct you not
23 to issue summonses to certain bars?

24 A. Yes.

25 Q. And to his clique of uncertified

1 E. Carter

2 officers? I'm sorry --

3 MR. GOODSTADT: Objection.

4 Q. Yes, to -- so Mr. Hesse
5 instructed you not to issue summonses to
6 certain bars?

7 A. Yes.

8 Q. What bars?

9 A. The bartenders at CJ's Bar.

10 Q. Any other bar?

11 A. It was a bar owner from
12 Maguire's.

13 Q. Okay. Other than CJ's and
14 Maguire's, did Hesse instruct you not to
15 issue summonses to any other bars?

16 A. No.

17 Q. When did he first instruct you
18 not to issue summonses to these bars?

19 A. Mine was an incident which
20 happened at CJ's with an underaged drinker
21 in 2005. Yeah, fall of 2005. Barry had
22 served a drink to a minor.

23 Q. And how do you know it was a
24 minor?

25 A. Just looking at him, and then I

1 E. Carter

2 ID'd him in the police station.

3 Q. Oh, you did ID him?

4 A. Yes.

5 Q. Okay. And was the only time
6 Hesse instructed you personally not to issue
7 a summons to certain bars?

8 A. Well, the second instance was
9 Jimmy Bets, the owner of Maguire's, was
10 driving down Bay Walk on his bicycle after
11 hours, no light. I went to get him to write
12 him a summons for that, and Andy Bets went
13 inside. Got George Hesse. George came out.
14 Yelled at me. Said, "You don't -- you don't
15 write tickets to Jimmy." Gave Jimmy back
16 his license. Sent him on his way.

17 Q. When did that take place?

18 A. That was the summer of 2005.

19 Q. So we have one incident involving
20 CJ's in the fall of 2005 and one incident
21 involving Maguire's in the summer of 2005?

22 A. With myself, yes.

23 Q. Both with yourself?

24 A. Yes.

25 Q. Okay. And any other incidences

1 E. Carter

2 where he instructed you not to issue a
3 summons to a bar or someone who owned a bar
4 or to a bartender?

5 A. No.

6 Q. Didn't -- how about in 2004?

7 A. Not that I recall. No.

8 Q. How about in 2003?

9 A. No.

10 Q. Okay. In the first instance in
11 the summer of 2005, when in the summer of
12 2005?

13 A. It was approximately July of
14 2005.

15 Q. Okay. And did you complain to
16 Hesse when he made this direct -- gave you
17 this direction?

18 A. Yes.

19 Q. What did you say to him?

20 A. I said, "George, you know, what
21 do you want me to do?" And with that he
22 just -- "just get out of here. Get out.
23 Get the back streets." That was his thing.
24 He threw me on the back streets for the rest
25 of the night.

1 E. Carter

2 Q. The second time in the fall of
3 2005, did you complain to Hesse?

4 A. Yes.

5 Q. What did you say to him?

6 A. Well, he was there when I said
7 I'm going to go write Barry a summons over
8 at CJ's. He says, "No, you're not." I just
9 looked at him. He goes, "They take care of
10 us over there. They give us, you know, food
11 and drinks. You're not writing him a
12 summons." I said, "George, you know, what
13 are we going to do?"

14 I got the minor. We wound up
15 calling his parents. I had to drive the kid
16 out to the checkpoint. Turn him over to his
17 parents. George said he went to school with
18 the mother of the child. And I just looked
19 at him.

20 Q. Other than him telling you not to
21 issue a summons -- well, withdrawn. What
22 did you -- how did you complain to George,
23 other than saying "George, what are we to
24 do"?

25 A. Well, when he told me not to

1 E. Carter

2 write the summons, I just looked at him
3 like, "What do you want me to do with this?"

4 Q. With regard to the two instances
5 in 2005 that you just testified to, did you
6 notify Chief Paridiso?

7 A. No.

8 Q. Did you complain to Chief
9 Paridiso?

10 A. No. The second one in the fall,
11 he was --

12 Q. My question to you is did you --

13 A. No.

14 Q. -- complain to Chief Paridiso?

15 A. No.

16 Q. Complain to Trustee Loeffler?

17 A. No.

18 Q. Complain to Mayor Rogers?

19 A. No.

20 Q. Complain to any trustee?

21 A. No.

22 Q. Did you advise Newsday?

23 A. No.

24 Q. News 12?

25 A. No.

1 E. Carter

2 Q. Any local newspaper?

3 A. No.

4 Q. Any other media outlet?

5 A. No.

6 Q. On 51, you then end it by saying
7 "Plaintiffs frequently complained to Hesse
8 about his unlawful directives he selectively
9 enforced the law by disregarding crimes and
10 other violations of law committed by Hesse's
11 friends." Other than these two 2005
12 incidents, were you personally involved with
13 any other directive by Hesse to disregard
14 crimes and other violations of law committed
15 by Hesse's friends?

16 A. There was an apartment at Ocean
17 Breeze and Bay Walk which whenever there was
18 an incident with underage -- because there
19 was underage youths up on the second floor,
20 George had to be notified, and I went there
21 with him one time.

22 Q. Okay. So on one occasion, you
23 went to this apartment with George Hesse
24 where you believe that there was underage
25 drinking going on?

1 E. Carter

2 A. I know for a fact there was.

3 Q. How do you know for a fact?

4 A. Because when we got there, George
5 knocked on the door. They opened the door.
6 The youths had beer, Budweiser -- well,
7 bottles labeled Budweiser beer in their
8 hands and beer cups and other liquor laying
9 around.

10 Q. And did you card these kids,
11 these individuals?

12 A. No.

13 Q. Did you do anything to verify
14 their age?

15 A. I was aware of a couple of the
16 individuals who they were.

17 Q. Who were these individuals?

18 A. One was Paul Conway.

19 Q. And who were the other
20 individuals that you knew?

21 A. The other ones were his friends
22 which I personally never carded, but I was
23 told they were underage.

24 Q. Who told you?

25 A. The other officers.

1 E. Carter

2 Q. Oh, so there were other officers
3 there with you?

4 A. At that time there was, and also,
5 from different instances of interacting with
6 these youths.

7 Q. But you weren't there on the
8 other instances, you were only there with
9 Hesse on this one occasion?

10 A. Yes.

11 Q. And when was this occasion?
12 What's the month, date and year? Month and
13 year?

14 A. The month would have been July of
15 '05.

16 Q. Okay. And did you complain to
17 Hesse -- well, what did Hesse do when you
18 showed up with him?

19 A. He got everybody out of the
20 apartment and sent them on their way.

21 Q. Okay. And were there any other
22 officers with you at this time with Hesse?

23 A. There were two which I don't
24 recall at this time.

25 Q. Okay. And did you complain to

1 E. Carter

2 Hesse about this?

3 A. No.

4 Q. Did you advise Paridiso of what
5 Hesse did?

6 A. No.

7 Q. Did you advise Loeffler?

8 A. No.

9 Q. Rogers?

10 A. No.

11 Q. Any other trustee?

12 A. No.

13 Q. Newsday?

14 A. No.

15 Q. News 12?

16 A. No.

17 Q. Any other media outlet?

18 A. No.

19 Q. Okay. So we have two

20 incidents -- two incidences in 2005

21 involving a bar owner or a bartender and

22 this incident involving minors in an

23 apartment. Any other incident that you were

24 personally involved in with Hesse where he

25 disregarded crimes and other violations of

1 E. Carter

2 law committed by his friends?

3 A. No.

4 Q. Okay. So paragraph 54, next
5 page. Please read 54 and advise me when
6 you're done.

7 A. (Reviewing). I'm finished.

8 Q. What involvement, if any, did you
9 have in any allegation that's set forth in
10 paragraph 54?

11 A. The apartment I was just talking
12 about is this one.

13 Q. Okay.

14 A. I did see the Bosettis up on the
15 balcony on another occasion with open
16 alcohol.

17 Q. With the group -- with a group of
18 minors?

19 A. The same minors that were there
20 the first time.

21 Q. And did you complain to George
22 Hesse about the Bosettis being on this
23 balcony?

24 A. No.

25 Q. Did you complain to Paridiso?

1 E. Carter

2 A. No.

3 Q. Anybody?

4 A. No.

5 Q. Why not? Well, withdrawn. Why
6 didn't you complain to Hesse about this?

7 A. First off, I don't think Hesse
8 was on.

9 Q. What's that?

10 A. I don't think Hesse was working
11 at that time.

12 Q. Who would have been in charge if
13 Hesse wasn't working?

14 A. There was no supervisor when
15 Hesse was off or Paridiso.

16 Q. Okay. Why didn't you advise
17 Hesse the next time you saw him?

18 A. I just didn't because I saw the
19 previous complaints and stuff of the
20 drinking and these guys -- these two
21 officers, Rich and Gary, were the same ones
22 with the drinking in the vehicles and stuff
23 going nowhere. So the more -- you know,
24 the squeaky wheel gets the attention, and
25 the attention would be I'd probably be put

1 E. Carter

2 out the door.

3 Q. You'd probably be put out the
4 door?

5 A. Probably be fired is my feeling.

6 Q. You complained in 2003 about
7 various things, correct?

8 A. Yes.

9 Q. You were a squeaky wheel in 2003,
10 right?

11 A. Yes. Because directly affecting
12 me.

13 Q. Okay. You weren't fired then,
14 were you?

15 A. No.

16 Q. You were a squeaky wheel in 2004
17 and you weren't fired then, right?

18 A. Correct.

19 Q. Okay. Go to 57. Did Hesse ever
20 ridicule you when you made a complaint to
21 him?

22 A. I was called a rat.

23 Q. By Hesse?

24 A. By other officers I --

25 Q. My question to you, sir, is did

1 E. Carter

2 Hesse ever ridicule you?

3 A. Yes.

4 Q. Okay. When did he ridicule you
5 for the first time after you made a
6 complaint?

7 A. It was -- the one time was with
8 Jimmy Bets in 2005.

9 Q. That was the bicycle incident?

10 A. Yes.

11 Q. Or the minor?

12 A. That was the bicycle incident.

13 Q. Okay. How did he ridicule you?

14 A. He sent me to the back street,
15 taking me off patrol on the Bay Walk and
16 letting everybody know what happened.

17 Q. Well, let's -- you think putting
18 you on the back street is ridiculing you?

19 A. It was punishment for stopping
20 Jimmy Bets.

21 Q. Okay. Now when you said he put
22 you on the back street, what does that mean?

23 A. To patrol midway, there was an
24 area which basically he used partly for a
25 punishment.

1 E. Carter

2 Q. Other officers get put on the
3 back streets, to your knowledge?

4 A. There were a couple.

5 Q. Who?

6 A. Frank Fiorillo. Joe Nofi.

7 Q. Anybody else, to your knowledge?

8 A. No.

9 Q. How many times did he put you on
10 the back street?

11 A. Two that I recall at this time.

12 Q. In -- since 2001?

13 A. Yes.

14 Q. Were the back streets supposed to
15 be patrolled?

16 A. Yes.

17 Q. Was that an assignment that was
18 given out to all of the officers at some
19 point in time, other than for punishment?

20 A. No.

21 Q. Then who patrolled the back
22 streets?

23 A. We would do it -- coming off Bay
24 Walk, we would do it. But he specifically
25 just sent me back there.

1 E. Carter

2 Q. No. I understand. You're
3 claiming in this instance -- actually, in
4 two instances that he punished you?

5 A. Yes.

6 Q. By putting you on the back
7 street. I get that. I guess my question --
8 my question to you is -- I think you
9 answered it -- was the back streets were
10 part of the normal duties and
11 responsibilities of the police officers
12 during at least your shifts, correct?

13 A. During the regular patrol, yes.

14 Q. Right. And it was the
15 responsibility of some officer on a normal
16 basis to patrol the back streets, right?

17 A. Yes.

18 Q. All right.

19 A. He was limiting you to just the
20 back streets.

21 Q. I understand that. But just so
22 I'm not confused, patrolling the back
23 streets was something that was -- was
24 something that was needed to be done as part
25 of the overall responsibilities of the

1 E. Carter

2 police department during a particular shift,
3 correct?

4 A. Yes.

5 Q. All right. Did anyone ever go
6 get beaten up on the back streets, to your
7 knowledge?

8 A. Assaults. You mean civilians?

9 Q. Yes.

10 A. Yes.

11 Q. How many times since 2001?

12 A. I couldn't even give you numbers.

13 Q. Any officer ever get assaulted on
14 the back streets, to your knowledge, while
15 you were on duty?

16 A. No.

17 Q. What were the back streets?

18 Without looking at a map of Ocean Beach,
19 describe for me what the back streets are.

20 A. From midway south.

21 Q. How many blocks are we talking
22 about?

23 A. It's approximately eight blocks
24 and nine blocks.

25 Q. And were there lights on the back

1 E. Carter

2 streets?

3 A. No.

4 Q. Did you have a flashlight?

5 A. Yeah.

6 Q. Okay. Any other instance that
7 you recall Hesse ridiculing you for making a
8 complaint?

9 A. Just what you heard secondhand,
10 not firsthand.

11 Q. Ridicule -- okay. So what did --
12 what did you hear that Hesse said about you
13 that you believe was ridicule after you made
14 a complaint?

15 A. "Carter's bitching he's got to
16 clean the station." You know, "too bad."
17 "He's bitching. He's got to clean up after
18 you guys."

19 Q. Okay. Anything else?

20 A. Not that I recall at this time.

21 Q. Did Hesse ever undermine your
22 authority in front of a civilian?

23 A. Yes.

24 Q. When was the first time he did
25 this?

1 E. Carter

2 A. Jimmy Bets.

3 Q. Okay. So that was -- that was
4 2005?

5 A. Yes.

6 Q. And how did he undermine your
7 authority?

8 A. He made me give him back his
9 license and had him ride off with the
10 bicycle.

11 Q. Was that the first time Hesse
12 ever undermined your authority in front of a
13 civilian?

14 A. That I recall, yes.

15 Q. Okay. 58, 59 and 60, do you have
16 any personal knowledge of any of these
17 allegations?

18 A. 60. Um, 60.

19 Q. What -- what about 60 do you have
20 personal knowledge of?

21 A. I helped Frank Fiorillo and a
22 dock master bring a file cabinet upstairs
23 from the north cellar of the police station.

24 Q. From the what?

25 A. North cellar of the police

1 E. Carter

2 station, and secure it in the small bedroom
3 to the left.

4 Q. Was this before or after
5 Mr. Bosetti alleged threw the file cabinet
6 into the Great South Bay?

7 A. Prior.

8 Q. Okay. Did you ever see -- did
9 you witness Bosetti throw the file cabinet
10 into the Great South Bay?

11 A. No.

12 Q. So your only knowledge about
13 what's alleged in paragraph 60 is the fact
14 that you helped bring the file cabinet up
15 from the basement?

16 A. Well, from the police station.

17 Q. From the police station.

18 A. Prior to the incident which had
19 the police tapes in it.

20 Q. Okay. How about 61 and 62, do
21 you have any personal knowledge of anything
22 that's been alleged in 61 and 62?

23 A. 61?

24 Q. Um-hum.

25 A. I was there 61.

1 E. Carter

2 Q. You were where in 61?

3 A. I saw Frank stand at the corner
4 of Denhoff and Bay Walk and he told me he
5 was ordered to be there.

6 Q. Okay. So you were told by
7 Mr. Fiorillo what Mr. Hesse allegedly said
8 to him?

9 A. Hesse stated to me prior to that
10 that he was -- he was actually pissed off at
11 Frank because he told him to wash the cars,
12 the truck, and Frank told him no, he had
13 done it the night before and there's other
14 guys in the police department that -- again,
15 this is coming from Hesse -- that he didn't
16 think it was fair for him to keep having to
17 do it.

18 Q. Did you complain to Hesse -- did
19 you complain to Paridiso about anything in
20 61 and 62?

21 A. Nothing -- had nothing really to
22 do with me. No.

23 Q. So -- and it would be fair to say
24 you didn't complain to anybody else about
25 what took place in 61 and 62, correct?

1 E. Carter

2 A. Correct.

3 Q. Okay. Now you were not in the
4 bar during the alleged Halloween incident,
5 correct?

6 A. Correct.

7 Q. And you were not part of any
8 investigation into the Halloween incident,
9 correct?

10 A. Except what was put on the blog,
11 correct. That I did official misconduct.
12 Falsified paperwork.

13 Q. Putting aside what someone may
14 have said on the blog, you were not involved
15 in any of investigative aspect of the
16 Halloween incident, were you?

17 A. No. I just had firsthand
18 knowledge what George told me.

19 Q. Other than what George told you,
20 George didn't ask you to investigate the
21 incident, did he?

22 A. No.

23 Q. Paridiso didn't ask you to
24 investigate?

25 A. No.

1 E. Carter

2 Q. No one asked you to investigate?

3 A. No.

4 Q. And you didn't witness it?

5 A. No.

6 Q. So any information you would have
7 about the Halloween incident would not come
8 from your own personal -- your own personal
9 involvement, correct?

10 A. Except --

11 Q. Other than -- except other than
12 what Hesse would have told you?

13 A. Correct.

14 Q. Okay. Let's go to paragraph 71.

15 A. (Reviewing).

16 Q. Well, actually, 75. I'm sorry.

17 A. I'm sorry, 75?

18 Q. Yes.

19 A. (Reviewing).

20 Q. When did Hesse advise you that he
21 thought Snyder's report was a piece of shit?

22 MR. GOODSTADT: Just make sure
23 you read it before you answer it,
24 please.

25 Q. Just read it for one second and

1 E. Carter

2 then tell me. Are you done?

3 A. Yes, sir. After the incident
4 occurred, I was relieving Hesse on Sunday
5 and Mondays. The exact date I can't tell
6 you. But he held a piece of paper similar
7 to this and said, "Carter, see this? See
8 this piece of shit? This is a piece of
9 shit." He goes -- I looked at him. He
10 says, "They're fucking cops." I said, "What
11 are you talking about?" He goes, "They're
12 fucking cops. My stomach's got knots in it.
13 They're fucking cops. They should have took
14 care of them and they're fucking cops." I
15 was like, "George what are you talking
16 about?" And it was a couple -- Tom Snyder's
17 statement that George asked him to write.
18 It was basically a 2042, that internal
19 correspondence.

20 Q. About the Halloween incident?

21 A. Yes.

22 Q. Did you ever look at Snyder's
23 statement prior to Hesse waving it in your
24 face and making the statement that he did?

25 A. No.

1 E. Carter

2 Q. Did you ever look at Snyder's
3 statement after Hesse waved it in your face
4 and said what he said?

5 A. I might have seen it in
6 discovery, but that would have been it.

7 Q. Right. When I say -- I mean
8 before April 2, 2006?

9 A. No.

10 Q. Did you inquire with Hesse as to
11 what he meant when he said that "this was a
12 piece of shit"?

13 A. Yeah. I had said to him, you
14 know, "What are you talking about?" He
15 said, "This -- this is bullshit. You know,
16 it's crap. I got knots in my stomach.
17 They're fucking" -- he was really enraged.
18 It was at the checkpoint, the lighthouse.
19 And you know, I never -- I told him, I said,
20 "I never read it." So he said, "This
21 isn't -- this isn't what happened." I don't
22 know.

23 Q. Did he tell you -- did you ask --
24 did you say anything else to Hesse?

25 A. At that time, no. He was waiting

1 E. Carter

2 for Ann, the court clerk, to come in to
3 drive her in.

4 Q. How about after this evening, did
5 you say anything to Hesse about Snyder's
6 report concerning the Halloween incident?

7 A. Snyder's report, no.

8 Q. Okay. Well, that was the report
9 he was calling a piece of shit, right?

10 A. Yes.

11 Q. 94, page 22.

12 A. (Reviewing).

13 Q. Did Hesse make the statement
14 concerning a kinder and gentler police
15 department to you?

16 A. No.

17 Q. Were you in his presence when he
18 made this statement?

19 A. I actually read this statement in
20 a local newspaper. I believe the Fire
21 Island News.

22 Q. So other than what you may have
23 read, you have no personal knowledge as to
24 Hesse's alleged statement set forth in
25 paragraph 94, right?

1 E. Carter

2 A. Yes.

3 Q. Okay. Did you make any
4 complaints -- well, withdrawn. 95. Did
5 anyone at the meeting -- well, who, if
6 anyone, at the meeting, at the April 2, 2006
7 meeting advised you that Hesse said about
8 you specifically that you were a rat?

9 A. My belief is he told everybody
10 about by wearing a wire, I'm a rat.

11 Q. No. But who told you -- you
12 weren't at that meeting?

13 A. No.

14 Q. So who told you, if anyone, that
15 Hesse called you specifically a rat?

16 A. That I was going to wear the
17 wire? That would have been through Chris
18 Moran. Otherwise --

19 Q. Did Chris Moran ever advise you
20 that Hesse said, in Moran's presence, that
21 you, Ed Carter, was a rat?

22 A. No. I was accused of being a
23 civil service rat previously, but no.

24 Q. Who accused you of being a civil
25 service rat?

1 E. Carter

2 A. Ty Bacon. Rich Bosetti. Gary
3 Bosetti. Several of the uncertified
4 officers.

5 Q. When did they first accuse you of
6 being a civil service rat?

7 A. 2004.

8 Q. Okay. And how many times did
9 they call you a rat, a civil service rat?

10 A. Oh, it continued up until we
11 left. I was -- 2005 I actually wound up
12 helping George Hesse trying to get the guys
13 certified to end it to show that, you know,
14 I wasn't. Got a copy of the applicant
15 packet from Quogue Police Department from
16 Police Officer Friun that I went to the
17 academy with back in '91, because they were
18 trying to take the background and the
19 pre-polygraph questions from the Suffolk
20 County Police, which was knocking several
21 officers throughout Ocean Beach and all the
22 other towns and villages out, and they were
23 going to do their own background and
24 pre-polygraph questions.

25 MO MR. NOVIKOFF: Motion to

1 E. Carter

2 strike.

3 Q. How many times were you accused
4 by these uncertified officers of being a
5 civil service rat?

6 A. Ty Bacon, at least three times.
7 Rich and Gary Bosetti in my presence, two to
8 three times. Bill Embreui, one time.

9 Q. All starting in 2004?

10 A. 2004 and going into 2005, yes.

11 Q. Right. And did George Hesse ever
12 call you a civil service rat?

13 A. George Hesse said to me -- did he
14 call it to my face? No.

15 Q. That's what I'm saying. Did
16 George Hesse ever call you, to your face, a
17 civil service rat?

18 A. No.

19 Q. Did anyone ever tell you, prior
20 to April 2, 2006, that George Hesse called
21 you a civil service rat?

22 A. No.

23 Q. Now when did George Hesse ask you
24 to help out with getting uncertified
25 officers to be certified?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 MR. NOVIKOFF: Well, withdrawn.

4 Q. Did George Hesse ever ask you to
5 assist him in trying to get uncertified
6 officers to become certified?

7 A. No.

8 Q. What involvement, if any, did you
9 have with George Hesse with regard to trying
10 to get uncertified officers to become
11 certified?

12 A. What happened was by me being
13 called a civil service rat -- which I
14 wasn't, I never contacted civil service -- I
15 told George -- George was going through --
16 he was trying to find pre-polygraph
17 questions on the computer one day when I was
18 working with him, and I said I had a friend
19 who was the applicant investigator out at
20 Quogue Police Department, and I called Mike
21 and he faxed me that paperwork.

22 MR. NOVIKOFF: Okay. Just give
23 me a couple minutes. Maybe we're --
24 maybe I'm done with this aspect of it.

25 THE VIDEOGRAPHER: The time is

1 E. Carter

2 4:58 p.m. Going off the record.

3 (A break was taken.)

4 THE VIDEOGRAPHER: Time is 4:59
5 p.m. Back on the record.

6 Q. Sir, I showed you a few emails
7 today concerning communications by and
8 between you and the other Plaintiffs in this
9 action, do you recall that?

10 A. Yes.

11 Q. Since April 2, 2006, have you
12 communicated with the Plaintiffs via email,
13 other than what I've showed you today?

14 A. No, sir.

15 Q. So these would have been -- to
16 your knowledge, these would have been the
17 only emails that exist between you and the
18 other Plaintiffs concerning the subject
19 matter of this lawsuit?

20 A. Without going through my lawyer,
21 yes.

22 Q. What do you mean without going
23 through your lawyer?

24 A. I would have possibly emailed
25 stuff to my lawyer.

1 E. Carter

2 Q. Yeah. I'm not interested in what
3 you may have emailed your lawyer. I'm
4 talking about specifically between you and
5 any of the other Plaintiffs, without any
6 copies to your lawyers.

7 A. Yes.

8 Q. Have you emailed them concerning
9 the subject of this lawsuit after April 2,
10 2006, other than what I showed you?

11 A. Not to my knowledge, no.

12 Q. And do you have any documents in
13 your possession, custody or control that
14 would refresh your recollection?

15 A. No.

16 Q. Do you maintain the same computer
17 today as you did on April 2, 2006?

18 A. Yes.

19 MR. NOVIKOFF: I have nothing
20 further.

21 EXAMINATION BY

22 MS. ZWILLING:

23 MS. ZWILLING: Good afternoon.

24 As I mentioned earlier, I represent the
25 Suffolk County Defendants. My name is

1 E. Carter

2 Arlene Zwilling. I have just a few
3 questions for you and I promise we'll
4 get you out of here as soon as
5 possible.

6 Q. You made some references to
7 checkpoints. Can you explain what those
8 checkpoints are?

9 A. It's the lighthouse, Fire Island
10 lighthouse on Ocean Beach. Actually, it's
11 actually in Kismet on -- when you first come
12 off Robert Moses field five off the paved
13 part of the roadway, there's a lighthouse
14 there.

15 Q. Would that be the area where
16 people park their cars to get access to the
17 rest of the Island?

18 A. Only police officers, members of
19 Fire Island FINS. I don't know if the
20 Suffolk County Police use that as a
21 checkpoint either. And it's controlled by a
22 gate.

23 Q. Did you attend the Suffolk County
24 police academy?

25 A. Yes.

1 E. Carter

2 Q. When?

3 A. January 1991 to June 1991.

4 Q. And was your class composed only
5 of Ocean Beach police officers or were there
6 recruits of other departments in the class
7 as well?

8 A. Recruits of other departments in
9 the class.

10 Q. How many recruits were in the
11 class?

12 A. Approximately, we started out
13 with 52 to 57. We graduated approximately
14 30 to 31.

15 Q. Now you mentioned that you may
16 have seen a picture of Alison Sanchez.
17 Where is it you believe you saw her photo?

18 A. In a local paper, like the Fire
19 Island -- not the Fire Island -- excuse me.
20 The Suffolk County News.

21 Q. Do you know which Suffolk County
22 local newspaper it was?

23 A. The -- that's what I believe it's
24 called. The one they send you -- they used
25 to send you for free. They stopped sending

1 E. Carter

2 you.

3 Q. Would it be Suffolk Life?

4 A. Suffolk Life. I'm sorry.

5 Q. And was her photo in the Suffolk
6 Life in conjunction with some sort of
7 article?

8 A. There was a photo of her and her
9 partner.

10 Q. And what was her partner's name?

11 A. I don't recall.

12 Q. Do you recall the gender of her
13 partner?

14 A. It was a female.

15 Q. Do you know if Alison Sanchez is
16 presently married?

17 A. No, I don't. According to that
18 article -- I don't know. No. At this time,
19 no.

20 Q. What prosecutor from the Suffolk
21 County District Attorney's office did you
22 have contact with?

23 A. The prosecutors?

24 Q. Yes.

25 A. The -- Ray Tierney and

1 E. Carter

2 Biancavilla I believe his name.

3 Biancavilla. I don't know if that's the
4 correct name. The prosecutor that's
5 handling the case now with Ocean Beach.

6 Q. Have you ever been to the Suffolk
7 County Civil Service Department on any
8 occasion?

9 A. Yes.

10 Q. On how many occasions have you
11 been there?

12 A. Approximately three.

13 Q. And can you tell me when those
14 occasions were?

15 A. One I know of was in 2005 when I
16 was inquiring about the park ranger three
17 test. When it was last given and if there
18 was a list. The other time was to file for
19 the park ranger one test.

20 Q. When was that?

21 A. Approximately -- the year would
22 have been -- I was appointed in 1989.
23 Approximately '87 maybe. '88. And the
24 third time would have been to just pick up
25 the brochure. I walked in and walked out

1 E. Carter

2 back in the mid '90s.

3 Q. Did you ever discuss --

4 A. I'm sorry. Also, I took my oral
5 psychologicals there.

6 Q. When was that?

7 A. For the park ranger, it would
8 have been approximately 19 -- I was
9 appointed in 1989.

10 Q. At any time, have you ever
11 discussed any matters concerning the Ocean
12 Beach Police Department with anyone from the
13 Suffolk County Civil Service Department,
14 either in person or over the phone?

15 A. No.

16 Q. Have you ever exchanged
17 correspondence, either hardcopy or email,
18 with anyone from the Suffolk County Civil
19 Service Department in connection with Ocean
20 Beach Police Department matters?

21 A. No.

22 Q. Have you ever had a conversation
23 with Alison Sanchez, either in person or
24 over the telephone?

25 A. Not that I'm aware of.

1 E. Carter

2 Q. Have you ever exchanged any
3 correspondence, either hardcopy or email,
4 with Alison Sanchez about any matter?

5 A. No.

6 Q. To the best of your knowledge,
7 have you ever observed George Hesse in the
8 presence of Alison Sanchez?

9 A. Observed him, no.

10 Q. Did George Hesse ever tell you
11 that he had any type of sexual encounter or
12 relationship with Alison Sanchez?

13 A. He told several officers one
14 night in the station, in the summer of 2005
15 when he was taking care of the civil service
16 uncertifieds, he had said that he had taken
17 her out to lunch a couple times, and I
18 believe her name was Alison Chester.

19 Q. Were you present when he made
20 these statements?

21 A. Yes.

22 Q. What exactly did he say at the
23 time?

24 A. He said, "You guys got nothing to
25 worry about," talking to the officers that

1 E. Carter

2 were in the room. That "I have a friend at
3 civil service. I've taken out -- I took her
4 out to lunch the other day. We got
5 everything squared away, and you guys have
6 no problem. We're going to be taking over
7 the applicant investigations," and Arnold
8 Hardman looked at George and he said,
9 "George, you're banging her, aren't ya," and
10 George looked at him and laughed. And he
11 said, "Yeah. I'd like to get her partner,
12 too." And with that, you know, I just
13 looked at George like "you're -- you're
14 fucked up," and I walked out of the room.

15 Q. Is that what you said to him at
16 the time?

17 A. I mumbled it to myself as I
18 walked out of the room.

19 Q. And did George Hesse ever state
20 in your presence at any other time that he
21 had sexual relations with Alison Sanchez?

22 A. No.

23 Q. Did anyone else ever state to you
24 that George Hesse had had sexual relations
25 with Alison Sanchez?

1 E. Carter

2 A. No.

3 MS. ZWILLING: No further
4 questions.

5 MR. GOODSTADT: This is George
6 Hesse's lawyer.

7 EXAMINATION BY

8 MR. CONNOLLY:

9 Q. Mr. Carter, how would town
10 employees or police officers with Ocean
11 Beach access the Island?

12 A. There was two ways; either by
13 boat, the ferry or we would go across the
14 Robert Moses Causeway.

15 Q. And at that point, you would park
16 your vehicle at the Fire Island Lighthouse,
17 the checkpoint?

18 A. Yes.

19 Q. And how would you get from the
20 checkpoint to the village?

21 A. In -- normally, if the --
22 hopefully the truck was up and running, you
23 went by truck or water taxi, or you -- a
24 couple guys a few times had to drive their
25 own vehicles in.

1 E. Carter

2 Q. And, similarly, how would you get
3 from the village back to the checkpoint?

4 A. The same way.

5 Q. Did any officers ever pick you up
6 at the checkpoint?

7 A. To drive me into work, yes.

8 Q. Okay. And did any officer ever
9 take you from the village to the checkpoint?

10 A. Yes.

11 Q. And were those officers on duty
12 when they did that?

13 A. Yes. As far as I know, yes.

14 Q. Back when you took the
15 examination for park ranger three, did any
16 other Town of Islip employees take the test?

17 A. Yes.

18 Q. And to your knowledge, what was
19 the passing grade?

20 MR. GOODSTADT: Objection.

21 A. I don't know. I couldn't answer
22 that.

23 Q. Did you ever learn of the scores
24 of any of the other individuals from the
25 Town of Islip as to that exam?

1 E. Carter

2 A. The actual score, no. I know one
3 other person failed it.

4 Q. And how many people took it?

5 A. There was only two able to take
6 it in Islip and two in Smithtown.

7 Q. Have you ever spoken to any
8 attorneys or investigators, other than your
9 attorneys in this case or the Suffolk County
10 DA attorneys, regarding either the Gilbert
11 incident or any of the allegations contained
12 in your complaint?

13 MR. GOODSTADT: Objection. To
14 the extent that you were seeking legal
15 advice from any attorneys, that should
16 be included in the group of attorneys
17 that you're not to testify to.

18 MR. NOVIKOFF: I think he can
19 answer if he's ever spoken to them as
20 opposed to what he said to them.

21 MR. CONNOLLY: My question
22 doesn't mean anybody in connection with
23 this case.

24 MR. GOODSTADT: Or any of his
25 lawyers in connection with anything, or

1 E. Carter

2 any lawyer that he's gone to seek legal
3 advice from is privileged. It doesn't
4 matter if it's not in connection with
5 this lawsuit.

6 MR. CONNOLLY: Fine. I'm not
7 asking what he spoke to -- I'm not
8 concerned about any advice you may have
9 been seeking.

10 Q. I'm concerned has anyone ever
11 approached you and asked you questions
12 regarding those incidents or those claims?

13 MR. GOODSTADT: Objection.
14 Same instruction.

15 MR. NOVIKOFF: I oppose that
16 objection. I think if the question is
17 has any attorney approached you to
18 discuss with you X, Y and Z, that's a
19 legitimate question. If the question
20 is what did these attorneys say to you
21 in this conversation, then I think that
22 is certainly protected.

23 MR. GOODSTADT: Well, I would
24 disagree. If you were to ask has any
25 attorney that you've never sought legal

1 E. Carter

2 advice from or represented you, I agree
3 with that. But --

4 MR. NOVIKOFF: Okay.

5 MR. GOODSTADT: But just so you
6 know for the record, any topic that
7 he's ever spoken with a lawyer,
8 regardless of telling the extent of
9 what was discussed, that's still
10 privileged. Yes, we discussed the
11 Gilbert incident. That's privileged.

12 MR. NOVIKOFF: I think the
13 question -- and tell me if I'm wrong,
14 Kevin -- I think the question that's
15 being posed is, for example, has
16 Gilbert's attorney approached you to
17 discuss anything involving the Gilbert
18 case, and if the answer is yes, then
19 certainly the next question would go
20 into what did Gilbert's attorney say,
21 because there's no attorney/client
22 privilege there.

23 MR. GOODSTADT: That's assuming
24 there's no attorney/client privilege.

25 MR. NOVIKOFF: That's assuming,

1 E. Carter

2 right.

3 Q. Has any attorneys approached you
4 to question you or get information from you
5 regarding the Gilbert matter?

6 MR. GOODSTADT: Again, same
7 instruction.

8 A. Can I answer?

9 MR. GOODSTADT: To the extent
10 that it's not a lawyer that you have
11 sought legal advice from or who has
12 represented you in any matter, then the
13 answer is you can answer.

14 A. No.

15 MR. CONNOLLY: I have no
16 further questions. Thank you.

17 MR. GOODSTADT: I don't have
18 any questions.

19 (Continued on next page for
20 jurat.)

21

22

23

24

25

1 E. Carter

2 THE VIDEOGRAPHER: This
3 completes today's deposition for Edward
4 Carter on September 16, 2008. The time
5 is 5:12 p.m. and we are off the record.

6

7

8 THOMAS SNYDER

9

10 Subscribed and sworn to
11 before me this _____ day
12 of _____ 2008.

13

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15 NOTARY PUBLIC

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CERTIFICATION

I, Edward Leto, a Notary Public
in and for the State of New York, do hereby
certify:

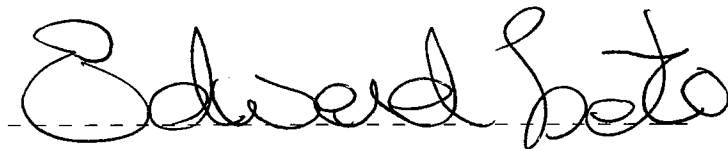
THAT the witness(es) whose
testimony is herein before set forth, was
duly sworn by me; and

THAT the within transcript is a
true and accurate record of the testimony
given by said witness(es).

I further certify that I am not
related either by blood or marriage, to any
of the parties to this action; and

THAT I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 28th day of
September, 2008.

A handwritten signature in black ink, reading "Edward Leto", written over a horizontal dashed line.

EDWARD LETO

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ERRATA SHEET.

I wish to make the following changes,
for the following reasons:

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